

**State of Iowa**

**1989**

# **JOURNAL OF THE HOUSE**

**1989  
REGULAR SESSION  
SEVENTY-THIRD  
GENERAL ASSEMBLY**

**Convened January 9, 1989  
Adjourned May 7, 1989**

**Volume I  
January 9 - April 14**

**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-THIRD GENERAL ASSEMBLY

1989 Regular Session

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GREG WATSON, <i>Legislative Research Analyst I</i> .....	Des Moines

## OFFICERS OF THE HOUSE—Continued

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ARTHUR E. BORWICK, <i>Doorkeeper</i> .....	Des Moines
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ALFRED H. EDWARDS, <i>Doorkeeper</i> .....	Des Moines
ANTHONY F. KING, <i>Doorkeeper</i> .....	Des Moines
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MARVIN THOMAS, <i>Doorkeeper</i> .....	Des Moines

ELECTED OFFICERS, SUPREME COURT JUSTICES AND  
IOWA COURT OF APPEALS JUDGES

v

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

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

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, <i>Chief Judge</i> .....	Des Moines
ALLEN L. DONIELSON, <i>Judge</i> .....	Des Moines
ALBERT L. HABHAB, <i>Judge</i> .....	Fort Dodge
MAYNARD J. V. HAYDEN, <i>Judge</i> .....	Indianola
ROSEMARY S. SACKETT, <i>Judge</i> .....	Spencer
DICK SCHLEGEL, <i>Judge</i> .....	Ottumwa

## MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Adams, Janet	Webster City	51	Teacher	14th— <i>Hamilton, Webster</i>	72, 72X, 72XX
Arnould, Robert C.	Davenport	35	Legislator	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Avenson, Donald D.	Oelwein	44	Tool & Die Maker	28th— <i>Chickasaw, Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Banks, Bradly C.	Westfield	36	Livestock & Grain Farmer	5th— <i>Plymouth, Woodbury</i>	None
Beaman, Jack	Osceola	64	Self-employed	91st— <i>Adair, Adams, Cass, Clarke, Union</i>	72, 72X, 72XX
Beatty, Linda	Indianola	46	Homemaker	68th— <i>Warren</i>	71, 72, 72X, 72XX
Bennett, Wayne	Galva	61	Farmer	4th— <i>Ida, Monona, Woodbury</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Bisignano, Tony	Des Moines	36	President of AFSCME, Local 1868	80th— <i>Polk</i>	72, 72X, 72XX
Black, Dennis	Grinnell	49	Director, Jasper Co. Conservation Board	71st— <i>Jasper, Marshall</i>	70, 71, 72, 72X, 72XX
Blanshan, Eugene	Scranton	40	Farmer	88th— <i>Boone, Carroll, Greene</i>	70, 71, 72, 72X, 72XX
Brammer, Philip E.	Cedar Rapids	56	Insurance Agent	51st— <i>Linn</i>	70, 71, 72, 72X, 72XX
Brand, William J.	Vinton	30	Administrator, Human Services	76th— <i>Benton, Black Hawk</i>	None
Branstad, Clifford O.	Thompson	64	Farmer	16th— <i>Hancock, Kossuth, Winnebago</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Brown, Joel W.	Chariton	24	Legislator	67th— <i>Clarke, Monroe, Lucas, Wayne</i>	None
Buhr, Florence D.	Des Moines	55	Legislator	85th— <i>Polk</i>	70, 71, 72, 72X, 72XX
Carpenter, Dorothy F.	West Des Moines	55	Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Chapman, Kay	Cedar Rapids	51	Lawyer	49th— <i>Linn</i>	70, 71, 72, 72X, 72XX

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Clark, Betty Jean	Rockwell	68	Legislator	29th— <i>Cerro Gordo</i> , Floyd, Mitchell	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Cohon, Dennis	Burlington	35	Teacher	60th— <i>Des Moines</i>	72, 72X, 72XX
Connolly, Michael W.	Dubuque	43	Teacher	35th— <i>Dubuque</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Connors, John H.	Des Moines	66	Retired Fire Captain and Labor Arbitrator	79th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Corbett, Ron J.	Cedar Rapids	28	Insurance Agent	52nd— <i>Linn</i>	72, 72X, 72XX
Daggett, Horace C.	Kent	57	Farmer	92nd— <i>Adams</i> , Decatur, Ringgold, Taylor	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
De Groot, Kenneth R.	Doon	59	Farming & Legislator	8th— <i>Lyon</i> , O'Brien, Osceola, Sioux	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Diemer, Marvin E.	Cedar Falls	64	Retired	23rd— <i>Black Hawk</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Doderer, Minnette F.	Iowa City	65	Self-employed	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Dvorsky, Robert E.	Coralville	40	Legislator/ Employment Coordinator	54th— <i>Iowa</i> , <i>Johnson</i>	72, 72X, 72XX
Eddie, Russell J.	Storm Lake	50	Pork Producer/Farmer	10th— <i>Buena Vista</i> , Pocahontas	72, 72X, 72XX
Fey, Thomas H.	Davenport	34	Legislator	41st— <i>Scott</i>	69(2nd), 70, 71, 72, 72X, 72XX
Fogarty, Daniel P.	Cylinder	64	Farmer	11th— <i>Clay</i> , <i>Palo Alto</i>	70, 71, 72, 72X, 72XX
Fuller, Robert D.	Steamboat Rock	59	Farmer	18th— <i>Franklin</i> , Hamilton, <i>Hardin</i>	72, 72X, 72XX
Garman, Teresa	Ames	51	Farmer	87th— <i>Boone</i> , <i>Story</i>	72, 72X, 72XX

## MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Groninga, John	Mason City	43	Educator	20th— <i>Cerro Gordo</i>	70, 71, 72, 72X, 72XX
Gruhn, Josephine	Spirit Lake	61	Farm Owner/Operator	12th— <i>Dickinson, Emmet</i>	70, 71, 72, 72X, 72XX
Halvorson, Rod	Fort Dodge	39	Real Estate Salesman, Political Consultant	13th— <i>Webster</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Halvorson, Roger A.	Monona	54	Insurance-Real Estate Broker	32nd— <i>Allamakee, Clayton</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Hammond, Johnie	Ames	56	Legislator	74th— <i>Story</i>	70, 71, 72, 72X, 72XX
Hansen, Steve D.	Sioux City	33	Legislator, Youth Worker, Self-employed	1st— <i>Woodbury</i>	72, 72X, 72XX
Hanson, Darrell R.	Manchester	34	Legislator, Small Business Manager	48th— <i>Buchanan, Delaware, Linn</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Harbor, William H.	Henderson	68	Grain Elevator Owner/Operator	94th— <i>Mills, Montgomery, Pottawattamie</i>	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Harper, Patricia M.	Waterloo	56	Educator	26th— <i>Black Hawk</i>	72, 72X, 72XX
Hatch, Jack	Des Moines	38	Management Consultant	81st— <i>Polk</i>	71, 72, 72X, 72XX
Haverland, Mark	Polk City	42	College Teacher	77th— <i>Polk</i>	70, 71, 72, 72X, 72XX
Hermann, Donald F.	Bettendorf	67	Retired	40th— <i>Scott</i>	70, 71, 72, 72X, 72XX
Hester, Joan L.	Honey Creek	56	Farming-Retired	98th— <i>Harrison, Pottawattamie</i>	71, 72, 72X, 72XX
Hibbard, David	Booneville	39	Attorney	90th— <i>Adair, Dallas, Guthrie, Madison</i>	None
Holveck, Jack	Des Moines	45	Attorney	84th— <i>Polk</i>	70, 71, 72, 72X, 72XX
Jay, Daniel	Moulton	34	Lawyer	66th— <i>Appanoose, Davis, Wapello</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Jesse, Glen	Mitchellville	45	Small Business Person	70th— <i>Jasper, Marion, Polk, Warren</i>	None
Jochum, Thomas J.	Dubuque	37	Deere & Company	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Johnson, Paul W.	Decorah	47	Farmer	31st—Allamakee, <i>Winneshiek</i>	71, 72, 72X, 72XX
Kistler, Robert L.	Fairfield	63	Educator	63rd— <i>Jefferson, Keokuk, Wapello</i>	None
Knapp, Donald J.	Cascade	56	Legislator	33rd— <i>Dubuque, Jones</i>	69(2nd), 70, 71, 72, 72X, 72XX
Koenigs, Deo A.	McIntire	53	Farmer/Legislator	30th— <i>Chickasaw, Howard, Mitchell</i>	70, 71, 72, 72X, 72XX
Kremer, Joseph M.	Jesup	67	Retired Farmer	27th— <i>Black Hawk, Buchanan</i>	71, 72, 72X, 72XX
Lageschulte, Raymond	Waverly	66	Farm Manager, Insurance Adjuster	22nd— <i>Black Hawk, Bremer, Butler</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Lundby, Mary A.	Marion	40		47th— <i>Linn</i>	72, 72X, 72XX
Lykam, Jim	Davenport	39	Sales Manager	58th— <i>Scott</i>	None
Maulsby, Ruhl	Rockwell City	65	Agriculture	9th— <i>Calhoun, Sac, Webster</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
May, Dennis	Kensett	41	Farmer, Real Estate Broker	19th— <i>Cerro Gordo, Winnebago, Worth</i>	72, 72X, 72XX
McKean, Andy	Anamosa	39	Lawyer/Graduate School Instructor	44th— <i>Jones, Linn</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
McKinney, Wayne H., Jr.	Waukee	38	Attorney	89th— <i>Dallas</i>	72, 72X, 72XX
Mertz, Dolores M.	Ottosen	60	Farm Owner/Operator	15th— <i>Humboldt, Kossuth, Palo Alto, Pocahontas</i>	None
Metcalfe, Janet S.	Des Moines	53	Legislator	83rd— <i>Polk</i>	71, 72, 72X, 72XX
Miller, Tom H.	Cherokee	63	Journalist	7th— <i>Cherokee, Clay, O'Brien</i>	71, 72, 72X, 72XX
Muhlbauer, Louis J.	Manilla	59	Agri-Business	96th— <i>Crawford, Shelby</i>	70, 71, 72, 72X, 72XX
Neuhauser, Mary	Iowa City	54	Attorney	46th— <i>Johnson</i>	72, 72X, 72XX
Nielsen, Joyce	Cedar Rapids	55	Financial Consultant	50th— <i>Linn</i>	None
Ollie, C. Arthur	Clinton	47	Teacher	38th— <i>Clinton</i>	70, 71, 72, 72X, 72XX
Osterberg, David	Mt. Vernon	45	Economic Consultant	43rd— <i>Cedar, Linn</i>	70, 71, 72, 72X, 72XX
Pavich, Eugene	Council Bluffs	57	Retired — Kellogg Cereal Company	100th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX

REPRESENTATIVES



## MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Pellett, Wendell C.	Atlantic	71	Farmer	97th—Cass, Harrison, Pottawattamie, Shelby	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Peters, Michael R.	Sioux City	39	Legislator	2nd—Woodbury	72, 72X, 72XX
Petersen, Daniel F.	Muscatine	37	Farmer	57th—Muscatine, Scott	71(2nd), 72, 72X, 72XX
Peterson, Michael K.	Carroll	28	Attorney/Legislator	95th—Audubon, Carroll, Shelby	71, 72, 72X, 72XX
Plasier, Lee	Sioux Center	46	Business Manager	6th—Plymouth, Sioux	72, 72X, 72XX
Poncy, Charles N.	Ottumwa	66	Retired School District Employee	65th—Wapello	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Renaud, Dennis L.	Altoona	46	Barber Business & D.M. Fire Dept.	78th—Polk	69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Renken, Robert H.	Aplington	67	Farmer	21st—Butler, Grundy	68(2nd), 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Rosenberg, Ralph	Ames	39	Attorney	73rd—Story	69(2nd), 70, 71, 72, 72X, 72XX
Royer, Bill D.	Essex	59	Real Estate Broker, Appraiser	93rd—Fremont, Mills, Page	70, 71, 72, 72X, 72XX
Schneklath, Hugo	Eldridge	65	Farmer	39th—Scott	67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Schrader, David	Monroe	36	Small Business Owner	69th—Marion	72, 72X, 72XX
Shearer, Mark S.	Columbus Junction	36	Newspaper Editor	55th—Des Moines, Louisa, Washington	None
Sherzan, Gary	Des Moines	44	Parole Officer	86th—Polk	70, 71, 72, 72X, 72XX
Shoning, Don	Sioux City	73	Legislator	3rd—Woodbury	71, 72, 72X, 72XX
Shoultz, Don	Waterloo	52	Teacher	25th—Black Hawk	70, 71, 72, 72X, 72XX
Siegrist, Brent	Council Bluffs	36	Teacher	99th—Pottawattamie	71, 72, 72X, 72XX

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-THIRD GENERAL ASSEMBLY—1989 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Spear, Clay	Burlington	72	Retired Postal Service Employee	61st— <i>Des Moines, Lee</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Spenner, Gregory A.	Mt. Pleasant	24	Broadcaster	59th— <i>Des Moines, Henry</i>	None
Stromer, Delwyn	Garner	58	Farmer-Legislator	17th— <i>Franklin, Hancock, Wright</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Stueland, Vic	Grand Mound	68	Farmer-Businessman	37th— <i>Cedar, Clinton</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Svoboda, E. Jane	Clutier	44	Farm Wife/Homemaker, Sales	75th— <i>Black Hawk, Marshall, Tama</i>	72, 72X, 72XX
Swartz, Thomas E.	Marshalltown	42	Teacher & Consultant	72nd— <i>Marshall</i>	69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Tabor, David M.	Baldwin	33	Farmer	34th— <i>Dubuque, Jackson</i>	70, 71, 72, 72X, 72XX
Teaford, Jane	Cedar Falls	53	Legislator	24th— <i>Black Hawk</i>	71, 72, 72X, 72XX
Trent, Bill	Muscatine	41	Businessman & Lawyer	56th— <i>Louisa, Muscatine</i>	None
Tyrrell, Phil	North English	56	Independent Insurance Agent	53rd— <i>Iowa, Poweshiek</i>	68, 69, 69X, 69XX, 72, 72X, 72XX
Van Maanen, Harold	Oskaloosa	59	Farmer	64th— <i>Keokuk, Mahaska, Wapello</i>	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX
Wise, Philip	Keokuk	42	Teacher	62nd— <i>Lee, Van Buren</i>	72, 72X, 72XX

REPRESENTATIVES

# JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 9, 1989

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-third General Assembly of Iowa 1989 Regular Session, convened at 10:00 a.m., Monday, January 9, 1989.

The House was called to order by the Honorable Emil Pavich, State Representative from Pottawattamie County.

Prayer was offered by the Honorable Joyce Lonergan, Boone County Recorder and former member of the House.

## TEMPORARY OFFICERS

On motion by Teaford of Black Hawk, 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."

Muhlbauer of Crawford moved that the Honorable Emil Pavich of Pottawattamie County be elected Temporary Speaker.

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

Temporary Speaker Pavich in the chair.

## CREDENTIALS OF MEMBERS

Hammond of Story 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: Hammond of Story, Svoboda of Tama, Poncy of Wapello, Carpenter of Polk and Schnekloth of Scott.

## 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-third 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 8, 1988, 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, 1989:

First	Steven D. Hansen
Second	Mike Peters
Third	Don Shoning
Fourth	Wayne Bennett
Fifth	Bradly Carter Banks
Sixth	Lee 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	Dolores M. Mertz
Sixteenth	Clifford O. Branstad
Seventeenth	Delwyn D. Stromer
Eighteenth	Robert 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 A. 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 Schneklöth

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 Neuhauser
Forty-seventh	Mary A. Lundby
Forty-eighth	Darrell Hanson
Forty-ninth	Kay Chapman
Fiftieth	Joyce Nielsen
Fifty-first	Philip E. Brammer
Fifty-second	Ron J. Corbett
Fifty-third	Phil Tyrrell
Fifty-fourth	Robert E. Dvorsky
Fifty-fifth	Mark S. Shearer
Fifty-sixth	Bill Trent
Fifty-seventh	Dan Petersen
Fifty-eighth	Jim Lykam
Fifty-ninth	Gregory A. Spenner
Sixtieth	Dennis M. Cohoon
Sixty-first	Clay Spear
Sixty-second	Philip Wise
Sixty-third	Bob Kistler
Sixty-fourth	Harold Van Maanen
Sixty-fifth	Charles N. Poncy
Sixty-sixth	Daniel Jay
Sixty-seventh	Joel W. Brown
Sixty-eighth	Linda Beatty
Sixty-ninth	David Schrader
Seventieth	Glen D. Jesse
Seventy-first	Dennis H. Black
Seventy-second	Tom Swartz
Seventy-third	Ralph Rosenberg
Seventy-fourth	Johnie Hammond
Seventy-fifth	Jane Svoboda
Seventy-sixth	William J. Brand
Seventy-seventh	Mark A. Haverland
Seventy-eighth	Dennis 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	Dave Hibbard

Ninety-first	Jack Beaman
Ninety-second	Horace C. Daggett
Ninety-third	Bill Royer
Ninety-fourth	William 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 Statehouse, in Des Moines, this third day of January, 1989.

ELAINE BAXTER, Secretary of State

JOHNIE HAMMOND, Chair  
 JANE SVOBODA  
 CHARLES N. PONCY  
 DOROTHY F. CARPENTER  
 HUGO SCHNEKLOTH

Hammond of Story 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	Clifford O. Branstad
Robert C. Arnould	Joel W. Brown
Donald D. Avenson	Florence Buhr
Bradly Carter Banks	Dorothy F. Carpenter
Jack Beaman	Kay Chapman
Linda Beatty	Betty Jean Clark
Wayne Bennett	Dennis M. Cohoon
Tony Bisignano	Mike Connolly
Dennis H. Black	John H. Connors
Gene Blanshan	Ron J. Corbett
Philip E. Brammer	Horace C. Daggett
William J. Brand	Kenneth De Groot

Marvin E. Diemer	Dolores M. Mertz
Minette Doderer	Janet Metcalf
Robert E. Dvorsky	Tom H. Miller
Russell J. Eddie	Louis J. Muhlbauer
Tom Fey	Mary Neuhauser
Daniel P. Fogarty	Joyce Nielsen
Robert Fuller	C. Arthur Ollie
Teresa Garman	David Osterberg
John Groninga	Emil S. Pavich
Josephine Gruhn	Wendell C. Pellett
Rod Halvorson	Mike Peters
Roger A. Halvorson	Dan Petersen
Johnie Hammond	Michael Peterson
Steven D. Hansen	Lee Plasier
Darrell Hanson	Charles N. Poncy
William Harbor	Dennis Renaud
Patricia Harper	Bob Renken
Jack Hatch	Ralph Rosenberg
Mark A. Haverland	Bill Royer
Donald Hermann	Hugo Schneklath
Joan L. Hester	David Schrader
Dave Hibbard	Mark S. Shearer
Jack Holveck	Gary Sherzan
Daniel Jay	Don Shoning
Glen D. Jesse	Don Shultz
Thomas J. Jochum	Brent Siegrist
Paul W. Johnson	Clay Spear
Bob Kistler	Gregory A. Spenner
Don Knapp	Delwyn D. Stromer
Deo A. Koenigs	Vic Stueland
Joseph M. Kremer	Jane Svoboda
Raymond Lageschulte	Tom Swartz
Mary A. Lundby	David M. Tabor
Jim Lykam	Jane Teaford
Ruhl Maulsby	Bill Trent
Dennis May	Phil Tyrrell
Andy McKean	Harold Van Maanen
Wayne McKinney, Jr.	Philip Wise

### ELECTION OF SPEAKER

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

Thank you, Mr. Speaker. I wish to place in nomination the Honorable Donald D. Avenson of Fayette County as Speaker.

Yesterday the Des Moines Register carried an article about Iowa's choices for state beverages, sports, problems, etc. Under the category of insect, the box elder bug was named as the most popular. Iowans' second choice was Donald Avenson. Iowans are not dumb. They know that if you can't beat 'em, you may as well nominate them for something.

I met Don for the first time four years ago at Humphries Cafe in West Union. I had been asked by friends to run for the House and needed to know how to do it. I recall that we spent only a couple of minutes on politics and the remaining couple of hours on our families, fishing stories and hunting black bear in Ontario. I returned to Decorah that night and told my wife that the Speaker of the House was an unusual person.

I've known Don for only four years now, but consider him a close friend. In this age of media spins and sound bites Don remains one of those old-fashioned real persons who says what he feels.

Because of this honesty, Don has been an outstanding Speaker the past six years. Progressive legislation in education, human services, economic development and environment have been forged in this chamber under Don's leadership.

The Iowa legislature is an unusual place. For the next two years 100 of us will share with each other our passions and our fears. We will have the opportunity to improve Iowa's education, to encourage sustainable economic activity, to protect and enhance our natural resources and to make sure that all our citizens have a chance to share in the wealth of this great state.

We all have strongly held beliefs on how to deal with these issues. We will argue, shout, rant, feel frustrated, and at times think that the system doesn't work.

But, somehow it does. And it's no accident that for the past six years, through very difficult times in Iowa, it has worked well. A great deal of credit for it working goes to Don Avenson. No person in this chamber is better at taking our individual agendas and forging them into constructive programs.

It is my pleasure to ask you to join me in supporting Don Avenson for Speaker of the House for one more session.

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

Mr. Speaker, I'm honored to rise to the occasion of seconding the nomination of Don Avenson as Speaker of the House. As has been noted in the nominating speech, this will be Don's last term as Speaker in this chamber.

He has served not only his last six years as Speaker, but the four years before that as the minority leader, the leader of the Democratic caucus for a decade now, in the Iowa House of Representatives. He does and has achieved the balance between his work in the legislature, his work and his family back home in his district. I think the Speaker's position, frankly, is the most difficult political job in all of state government. You don't only speak for yourself, you speak for all the members of your caucus and at other times you speak for all hundred members of the House of Representatives. That's a very difficult thing to do and he's done that during very difficult times in the state.

I think we all know that we're facing a very tough session starting today. I think those of you, even who are coming in for the first time as freshmen, will truly receive a baptism by fire during this session. There will be a greater strain because of the difficulty of issues like schools and roads, we'll be working more evenings, tensions will be higher, and I think that that, in and of itself, is an important reason why we need someone of Don Avenson's strong caliber and proven leadership to get us through this very, very trying session.

We're going to have to reach deep to achieve a higher level of bipartisanship because many of these issues that we have to tackle will cross party lines and once again we'll need that leadership from that Speaker to achieve that.

As I said, the Speaker's position is not the highest paying position in state government. It is I believe, the most difficult position in state government and no one I believe, has ever done a better job at that than Don Avenson and I'm delighted and pleased to second his nomination to be Speaker of this House of Representatives for another two years.

Thank you.

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

Mr. Speaker, Ladies and Gentlemen of the House. I also rise to second the selection of the gentleman from Fayette as our Speaker for the Seventy-third General Assembly. His leadership as Speaker will be very important to Iowans in the next two years. Hopefully, any animosity created during the 1988 election will quickly be forgiven and forgotten for the sake of a "better Iowa".

For the past month members from both political parties, and the media which report our activities, characterized this session as potentially the most productive in a decade. I truly believe this can be possible.

Iowa's dramatic economic recovery will allow us options, without a tax increase, that was not available in previous sessions. As we consider these options it may be difficult to always focus on the "big picture". Too often parochialism is the art of political survival. If we are to avoid the partisan and logistical splits, super effort will be needed on the part of each of us.

Iowa has the most grade A farm land of any state in the nation. If we are to revitalize rural Iowa it must be through a competitive value-added policy as well as an adequate road system.

While searching for shelter for the homeless we must not make it more difficult to own a home.

Preserving existing bureaucracies in post secondary institutions may not be the answer to accessibility for all to higher education. Affordable health care for everyone, including the underinsured and the uninsured, without discussing the question of duplication and medical malpractice would be counterproductive.

Equally important issues such as school finance, children at risk, clean water, solid waste disposal, leaking underground storage tanks, and more prison beds all have the potential of being extremely volatile if each of these issues aren't approached from a nonpartisan view.

Mr. Speaker, the Republican caucus has repeatedly tried to work with the majority party at the sub-committee and full-committee level. Too often their ideas are ignored because pride of authorship and it stands in the way of fair and equitable solutions.

The House Republican caucus pledges to cooperate with the majority party to make this session a "hallmark" of bipartisan workmanship.

I move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-third 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-third 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-third General Assembly, was declared duly elected to that office.

Brown of Lucas moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Brown of Lucas and Trent 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 Pavich 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 very much. It is a great honor to serve again as your Speaker. I appreciate this trust you have placed in me. I have the highest respect for this institution and for you who have chosen to offer part of your lives in service to this wonderful state of Iowa.

I will honor your trust by presiding fairly and impartially, and by maintaining the standard of integrity which makes this legislative body among the finest in the nation.

I also want to thank our families who today have said goodbye and allowed us to come to Des Moines to make the laws of this state. I especially want to thank my family — Diane, Eric, Clay and Nicolle — for their love, encouragement and understanding through the years.

Nicolle started out in these chambers as a twenty-one inch infant in a baby chair on Del Stromer's desk. She is now a sixty-eight inch athlete of whom her father could not be prouder.

The quiet sacrifices our families make are hardly recognized outside these halls, yet all of us here know, and we appreciate them. The only thing that justifies our time away from home is the quality of our legislative achievements and that should be motivation enough to work hard this year.

A very warm welcome to our twelve first-term legislators. My advice to you is to jump right in. Ask questions and share ideas. You will love working here, and you'll find that those of us who have served a term or two will be happy to help you in any way we can.

We begin the 1989 session with better prospects for the state than at any time in the recent past. After all the gloom and doom of the 1980s, we can approach the 1990s with confidence. Iowa, and Iowans, have proven their resiliency.

Consequently, we start this new year with stable growth in state revenues. Land values are rising, unemployment is low. Manufacturing growth is ahead of Midwest and national averages. There is good reason to be optimistic about the next decade in Iowa.

For all its tragedy and uncertainty, the crisis of the eighties proved to this legislature what lawmakers could do when the chips are down. We were forced to re-assess our priorities, to find our strengths, to ask what is important to preserve and protect and promote. We've looked at the old ways to see if they still work in these new days.

And as a result this legislature has grown in strength and influence. It is now truly a co-equal partner in setting Iowa's agenda. We've focused our powers and resources as never before. We have become more vigorous and aggressive and innovative.

Look what that has meant for Iowa. A unique and effective worker training program. A RISE program that builds roads that benefit community development, not roads of mere convenience. Lottery-funded programs to create new opportunity. A recommitment to our tradition of education excellence through incentives to teachers and standards that challenge schools and students to be their best. A groundwater quality act that is the standard against which every other state's laws will be measured. Each of you can name a dozen more areas where our hard work and ingenuity have made a difference for Iowa.

We have drafted a blueprint for the future of Iowa. Our challenge today is to find the courage to follow through on our vision for tomorrow.

That vision is beautifully reflected in the words of former U.S. Supreme Court Justice Louis Brandeis, who back in 1932 wrote: "There must be power in the States and the Nation to remould, through experimentation, our economic practices and institutions to meet changing social and economic needs . . . It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."

A single courageous state. Now that Iowa's transition period has ended, now that we are no longer straddling the past and the future, we are at last able to become that "single courageous state" that charts its own course, and in doing so gives direction and guidance to the entire nation.

You can sense it. The courage of our groundwater protection and environmental policies is breathtaking to other states who are hoping they can summon the will to follow Iowa's lead. The distinctive Iowa character of our worker training program that very simply brings in more jobs for the dollar than the expensive programs that other states employ. Our experiments are working.

There is a temptation for some, now that we've seen a bit of recovery, to grow complacent, to say that the worst is over, so let's be content where we're at. It would be easy to backslide now, but that's a dangerous attitude. We have a long way to go and it will take courage to get there.

Look, unemployment is low, but where workers once earned fifteen dollars an hour, they're now getting seven or eight dollars an hour. The number of two-earner families has shot up dramatically because they must find a way to make up that income difference. And as more mothers leave the home to enter the job market, who's going to take care of the children at home? How are we going to meet that demand for child care?

So many new jobs no longer come with health insurance. In rural areas especially, how do we make sure kids get the medical attention they need when their parents can't afford medical coverage?

It's great that farm balance sheets look better, but how do small town businesses and rural schools compensate for the loss of those farmers who gave up their land and moved away?

We're rightly proud that we've helped attract good new industry to the state, but do we fill the jobs by advertising for workers in the Sun Belt, or do we train our own people to do those jobs?

Those questions don't get answered unless this state has the courage to act and act now.

Those who've been around the legislature know there's a certain chemistry to this place. The right elements must come together for a reaction to occur. Sometimes it takes years before a consensus is reached on an issue. But today, this legislature sits primed to act on the critical issues of the 1990s.

In higher education, we are prepared to define and coordinate the missions of our community colleges and state universities, eliminate needless duplications, and give compelling incentives to every high school senior to advance to a thirteenth year of school.

In transportation, we are prepared to establish new road funding priorities which serve our commercial development goals, and which allow all parts of the state to enhance their chances for growth and prosperity.

In economic development, we are prepared to use three years of experience with our lottery-funded "Iowa Plan" to redirect our resources into programs that encourage the next Maytags and Amanas and Winnebagos with assistance tailored to specific needs.

In school funding, we are prepared to reallocate state aid to ensure that every Iowa student has access to an education that enables him or her to compete with the best in college and graduate school, in business and trade, in whatever that student wants to do.

In criminal justice, we are prepared to assure the safety of Iowans by keeping dangerous offenders off our streets.

In family development, we are prepared to ensure that every citizen has adequate health care.

These things are within our grasp if we have the political courage to follow through on them, and it's going to take some courage to revise a school aid formula and a road formula that have been virtually etched in stone for years and years and years.

The hallmark of the Seventy-third General Assembly should be the launching of a new round of government innovation, where we are measured by our ability to do government with intelligence — better than it's ever been done before — and by our ability to spend money productively.

We don't have to look to some magic, future generation of Iowa leaders for this innovation. We have met Iowa's leaders and they are us. We are all here today because the people back home saw in us some of their own basic notion of what Iowa can become. For some, that is America's best educational system. For others, the cleanest environment. For still others, the best working climate, the best health care, the best housing, the best tax system. But whatever their dream, the people elected us to make it a reality.

Iowans, in their self-deprecating way, sometimes feel that what we do and what we are doesn't measure up to the big states in America. And it's true that in Iowa we don't have the playgrounds of the rich and famous or the intrigues of Wall Street. All we have are workers who show up for their jobs and work hard all day long; soil that generates food for a nation; air and water that's clean and pure; kids who beat everybody else's kids on their college entrance exams; streets you can stroll safely at night; and neighbors who will drop everything to lend you a hand.

That's what Iowa's got. Those are our values, our resources. And those are the ones that count. Iowa doesn't have to take a back seat to anyone, and neither does this legislature.

We can prove to the nation what a single courageous state can be, what a committed government can do. Government that's not on your back, a government that's on your side. Government that works for you and with you. Government that is unafraid to take the risks necessary to make this state the model for this nation, so that we'll no longer ask how we compare to the rest of the nation; the nation will wonder how they can ever compare with that single courageous state, Iowa.

Thank you very much for this opportunity.

### PERMANENT CHIEF CLERK

Teaford of Black Hawk 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

Schrader of Marion 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: Schrader of Marion, Lykam of Scott and Spenner of Henry.

#### COMMITTEE TO NOTIFY THE SENATE

Blanshan of Greene 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: Blanshan of Greene, Hibbard of Madison and Kistler of Jefferson.

#### 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 1989 session of the Seventy-third  
 6     General Assembly be held on Tuesday, January 10, 1989,  
 7     at 6:30 p.m.; and  
 8     *Be It Further Resolved,* That Governor Terry E. Branstad  
 9     be invited to deliver his condition of the state message  
 10    at this joint convention of the two houses of the General  
 11    Assembly, and that the Speaker of the House and the President  
 12    of the Senate be designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

#### 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.

#### 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 1989 session of the Seventy-third  
 6     General Assembly be held on Wednesday, January 11, 1989,  
 7     at 10:00 a.m.; and

8 *Be It Further Resolved*, That Chief Justice McGiverin  
9 be invited to present his message of the condition of  
10 the judicial department at this convention, and recommend  
11 such matters as the Chief Justice deems expedient, pursuant  
12 to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGES

(House Concurrent Resolutions 1 and 2)

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

### ELECTION OF SPEAKER PRO TEMPORE

Ollie of Clinton placed in nomination the Honorable John H. Connors as candidate for Speaker pro tempore of the House of Representatives of the Seventy-third General Assembly, preceding his nomination with the following remarks:

Thank you, Mr. Speaker.

Mr. Speaker, I am pleased to place in nomination the name of Representative John Connors, the representative from Polk County for the position of Speaker pro tempore of the House of Representatives.

If I may make a few remarks, Mr. Speaker.

It is indeed a pleasure for me to do this.

If John were before us as a supplicant for the very first time for this position, I think his record both in community activities as well as service to this body would in themselves be enough to qualify him and recommend him to us for this office.

John has been involved as a lifetime firefighter and as chairman of many civic activities in his community; he is a hospital trustee; he is a former national president and current state president of Golden Gloves. He has many, many civic activities to his credit, and he is hardly a stranger to those in this body. He is a 16-year veteran of this organization. Six of those years have already been spent in the office he is seeking to be reelected to. In that position, he has already demonstrated a great deal of ability and the characteristics that we need for leadership in this type of position. He has shown a firm hand and a fair hand in his administration of the rules. He has demonstrated a very high degree of integrity both at his microphone in debate as well as in how he conducts himself in the Chair. He is very sensitive to the needs of the members both in terms of the customs of this body and the procedures of this body and is very considerate of the members in that respect. I think we have all come to appreciate that.

In spite of this, John has long been a very passionate advocate of many causes, including the welfare of workers in this state and the welfare of young people, as well as those who are less fortunate than ourselves. In spite of the very strong positions he has taken and his willingness to defend those positions in debate, he has remained

calm and moderate and has avoided some of the cynicism that sometimes comes from long involvement in these types of battles.

Those of us who have received our on-the-job training in this body, have observed you, John, as a very good leader and a very good role model to govern ourselves by.

I feel very pleased and proud, Mr. Speaker, to recommend to this body by nominating my friend, and I think a friend of each of us, John Connors as Speaker pro tempore.

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

Mr. Speaker, Ladies and Gentlemen:

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

He is a proven leader. He cares deeply for those who seek justice and for those citizens who have been mistreated. There is no stronger advocate.

Each of us can look to John as a symbol in this house of decency, honesty, integrity and fairness. He is a friend. He is a leader. Even if you disagree with him, he is a worthy but a very reasonable adversary.

I know my first two years were more productive, and more enjoyable because of my guidance and most of my friendship and advice I received from John.

It is a personal privilege and honor to second the nomination of John Connors for Speaker pro tempore.

**Lageschulte of Bremer seconded the nomination of Mr. Connors, preceding the nomination with the following remarks:**

Mr. Speaker, I wish to second the nomination of John Connors for the office of Speaker pro tempore.

It was fourteen years ago that I was elected to the legislature. It seems like only yesterday that I chose my seat next to John Connors in this same section. John was a veteran of two years and from the opposite party. I was a farmer from northeast Iowa. Even though our philosophies were different and we represented different areas, we soon developed a lasting friendship. One thing I learned early from John was you can disagree with someone and still respect and like them. It was soon evident to me that John was a born leader and he put it to use in the Iowa House of Representatives.

John and I have both been active in the National and Midwest Council of State Governments. John further distinguished himself when he was elected chairman of the Midwest Conference in 1986 and 1987. At this time I would like to read a resolution presented to John by the Midwest Conference:

*"Whereas, Representative John Connors has rendered outstanding leadership to the Midwestern Legislative Conference during 1986 and 1987; and*

*Whereas, He has given dedicated service to the Council of State Governments as Chairman of the OPACC Committee and as a member of the Executive Committee and Governing Board; and*

*Whereas*, In his eighth term in the Iowa House of Representatives, he serves as Speaker Pro Tempore; and

*Whereas*, He has been a fighter all his life — in sports as a boxer and by profession as a fire fighter; and

*Whereas*, His concern for his native Des Moines has led him to such positions of civic leadership as President of the Polk County Society for Crippled Children and Adults, Trustee of Des Moines General Hospital, and President of the Muscular Dystrophy Association; and

*Whereas*, His skill and drive have taken him to such state and national responsibilities as President of the National Golden Gloves Association, labor arbitrator and Secretary — Treasurer of the Iowa Association of Professional Fire Fighters; and

*Whereas*, His warmth and compassion reflect equally impressively upon himself and his state, as do many of his accomplishments; *Be It Therefore*

*Resolved*, That the Midwestern Legislative Conference of the Council of State Governments extends to Representative Connors its sincere thanks for his admirable public service and our wish that he continue to fulfill and be fulfilled by his many civic responsibilities."

I move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-third 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-third 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-third General Assembly, was declared duly elected to that office.

Rosenberg of Story 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: Rosenberg of Story and Lundby of Linn.

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 who nominated me and escorted me to the rostrum today. One great thing about being here is the friends we make and keep through the years.

Today, once again, I am privileged to thank you for giving me the high honor of electing me as our Speaker pro tempore, especially on this historic occasion, when the Speaker, Speaker pro tempore, and Minority Leader have been elected for an unprecedented fourth term.

Two years ago, I pledged to you that Mr. Avenson and I would do all we could to insure this historic day for the three of us.

This is also a sentimental day and one of mixed emotions for many of us. First, our good friend and former colleague, Joyce Lonergan, of Boone, came down to give the invocation — and secondly, while we congratulate Speaker Avenson on his reelection, since he has said he will not run for the House again, it is with a lump in our throats that we say a sincere “thank you” for giving us eighteen years of his life — caring about all of us, and guiding us through some tough times, tirelessly striving to improve the quality of life to make Iowa a better place in which to live, work, and raise our families, that we wish him and his family the very best in his next endeavor.

Listening to Don’s remarks when he stated that “the hall mark of the Seventy-third General Assembly should be the launching of a new round of government innovation, where we are measured by our ability to do government with intelligence better than it’s ever been done before — and by our ability to spend money productively,” I believe that we must do so with faith and vision, for without faith, there is no vision. Some classic examples of no faith — no vision include: “I think there is a world market for about five computers,” said by Thomas J. Watson, IBM Chairman in 1943; “I don’t need bodyguards,” by Teamsters President, James Hoffa in 1975; “The third Reich will last 1,000 years,” by Adolph Hitler — he was only off by 988 years; and William Everette, who ran the U.S. Patent Office in the early part of this century, predicted that he’d have to close up shop pretty soon because everything had already been invented. All he missed were television, jet planes, ballpoint pens, disposable diapers and walkman radios. Unless we have faith, our visions will perish.

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

I again want to express my love and appreciation to my family and friends who know and understand me and still remain my friends; for their encouragement and support through the years which enable me to be here today.

Because of my family and friends here on earth, and with God and because of you in this House of Representatives, I have drunk from wells I did not dig and I have been warmed by fires I did not build.



The motion prevailed and the following committee was appointed: Harper of Black Hawk, Rosenberg of Story and De Groot of Lyon.

### 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 Adams	150
Robert C. Arnould	350
Donald D. Avenson	320
Bradly Carter Banks	440
Jack Beaman	90
Linda Beatty	36
Wayne Bennett	300
Tony Bisignano	NONE
Dennis H. Black	104
Gene Blanshan	140
Philip E. Brammer	266
William J. Brand	220
Clifford O. Branstad	260
Joel W. Brown	120
Florence Buhr	NONE
Dorothy F. Carpenter	NONE
Kay Chapman	268
Betty Jean Clark	228
Dennis M. Cohoon	320
Mike Connolly	410
John H. Connors	NONE
Ron J. Corbett	276
Horace C. Daggett	192
Kenneth De Groot	508
Marvin E. Diemer	220
Minnette Doderer	240
Robert E. Dvorsky	224
Russell J. Eddie	320
Tom Fey	350
Daniel P. Fogarty	316
Robert Fuller	150
Teresa Garman	68
John Groninga	240
Josephine Gruhn	424
Rod Halvorson	190
Roger A. Halvorson	436
Johnie Hammond	74
Steven D. Hansen	426
Darrell Hanson	322
William Harbor	258
Patricia Harper	240
Jack Hatch	NONE

Mark A. Haverland .....	28
Donald Hermann .....	356
Joan L. Hester .....	250
Dave Hibbard .....	36
Jack Holveck .....	NONE
Daniel Jay .....	190
Glen D. Jesse .....	40
Thomas J. Jochum .....	410
Paul W. Johnson .....	404
Bob Kistler .....	220
Don Knapp .....	358
Deo A. Koenigs .....	324
Joseph M. Kremer .....	250
Raymond Lageschulte .....	276
Mary A. Lundby .....	272
Jim Lykam .....	330
Ruhl Maulsby .....	232
Dennis May .....	280
Andy McKean .....	314
Wayne McKinney, Jr. ....	35
Dolores M. Mertz .....	260
Janet Metcalf .....	NONE
Tom H. Miller .....	350
Louis J. Muhlbauer .....	220
Mary Neuhauser .....	224
Joyce Nielsen .....	262
C. Arthur Ollie .....	400
David Osterberg .....	280
Emil S. Pavich .....	280
Wendell C. Pellett .....	166
Mike Peters .....	424
Dan Petersen .....	314
Michael Peterson .....	190
Lee Plasier .....	470
Charles N. Poncy .....	180
Dennis Renaud .....	NONE
Bob Renken .....	204
Ralph Rosenberg .....	70
Bill Royer .....	280
Hugo Schneklath .....	360
David Schrader .....	62
Mark S. Shearer .....	290
Gary Sherzan .....	NONE
Don Shoning .....	408
Don Shoultz .....	220
Brent Siegrist .....	256
Clay Spear .....	330
Gregory A. Spenner .....	276
Delwyn D. Stromer .....	226
Vic Stueland .....	360
Jane Svoboda .....	180

Tom Swartz .....	102
David M. Tabor .....	357
Jane Teaford .....	220
Bill Trent .....	304
Phil Tyrrell .....	200
Harold Van Maanen .....	114
Philip Wise .....	370

Respectfully submitted,  
 Patricia M. Harper, Chair  
 Ralph Rosenberg  
 Kenneth De Groot

### ADOPTION OF TEMPORARY RULES OF THE HOUSE

Teaford of Black Hawk moved that the permanent rules of the House of the Seventy-second General Assembly be the temporary rules of the House of the Seventy-third General Assembly.

The motion prevailed.

### INTRODUCTION OF BILLS

**House File 1**, by Hatch and Rosenberg, a bill for an act relating to underground storage tanks, by creating a state fund and administrative body for the fund, establishing certain fees, authorizing revenue bond issues, creating a capital investment tax credit for certain purposes, authorizing certain back-up funding mechanisms including sales and use taxes only if necessary to assure timely payment of revenue bond obligations, providing penalties, providing certain future automatic repeal dates, and providing effective dates.

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

**House File 2**, by Koenigs, a bill for an act allowing for the issuance of annual permits for the movement of vehicles or combination of vehicles consisting of construction machinery.

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

**House File 3**, by Jay, a bill for an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

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

**House File 4**, by De Groot, a bill for an act permitting nonresident special education students with an eleventh or twelfth grade designation to enroll until graduation in a district in which they resided the previous year.

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

**RULES SUSPENDED**

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

On motion by Arnould of Scott, the House was recessed at 11:12 a.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**EMPLOYEES OF THE HOUSE**

Teaford of Black Hawk 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  
Catherine A. Sears—Confidential Secretary to Speaker  
Sharon Robinson—Senior Caucus Staff Director  
Mark W. Brandsgard—Administrative Assistant to Speaker III  
William C. Maloney—Administrative Assistant to Leader III  
Bruce G. Brandt—Administrative Assistant to Leader I  
Edward J. Conlow—Legislative Research Analyst II  
Margaret A. Dohrer—Legislative Research Analyst I  
Mary E. O. Fleckenstein—Legislative Research Analyst III  
Thomas R. Patterson—Legislative Research Analyst III  
Joseph P. Romano—Legislative Research Analyst I  
Janet Roewe Saldanha—Legislative Research Analyst I  
Kathi G. Woods—Legislative Research Analyst I  
Jenifer L. Parsons—Caucus Secretary  
Gary W. Steinke—Caucus Staff Director  
Steven A. Kopf—Legislative Research Analyst I  
Susan D. Severino—Legislative Research Analyst I  
Margaret Ann Thomson—Legislative Research Analyst II  
Greg E. Watson—Legislative Research Analyst I  
Maryjo F. Welch—Legislative Research Analyst II  
Colleen Dillon—Caucus Secretary  
Deanna J. Verwers Templeton—Executive Secretary to Chief Clerk  
Jeanine S. Crist—Clerk to Chief Clerk  
Virginia Rowen—Supervisor of Secretaries  
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  
 E. Jane Fowler—Assistant Legal Counsel  
 Pauline E. Kephart—Assistant to the Legal Counsel & Engrossing/Enrolling Clerk  
 Eileen M. Tyler—Assistant to the Legal Counsel  
 Juanita F. Swackhammer—Chief Indexer  
 Wilma F. Zika—Indexing Assistant  
 Joanne Wengert—Supply Clerk  
 Madeline E. James—Switchboard Operator  
 Virginia Semple—Switchboard Operator  
 Kathy Jo Ramsay—Bill Clerk  
 Julie D. Chase—Assistant Bill Clerk  
 George W. Pendergraft—Postmaster  
 Glenn D. Carlson—Sergeant-at-Arms  
 Marvin Hollingshead—Assistant Sergeant-at-Arms  
 Maynard L. Boatwright—Doorkeeper  
 Arthur E. Borwick—Doorkeeper  
 Dwight H. Dugan—Doorkeeper  
 Alfred H. Edwards—Doorkeeper  
 Anthony F. King—Doorkeeper  
 Kathleen L. O'Leary—Doorkeeper  
 Marvin L. Thomas—Doorkeeper

## PAGES GROUP I

Cindy Mae Cox—Speaker's Page	Steven W. Hulsizer
Kimberly S. Campbell—Chief Clerk's Page	P. Ian King
Rebecca L. Baltisberger	Jennifer S. Kultala
Brent L. Carlson	Alison G. Kvetko
Cathy M. Carter	Ann Marie Livermore
Valerie L. Downey	Laura J. Merritt
Erin C. Finnegan	Amy M. Schmitt
Dawn M. Gitch	Sara L. Seim
Brenda M. Graham	Jennifer L. Sels
Jeffrey D. Grundmeyer	Kelly Jo Simonsen
	Amie M. Stumbo

## GROUP II

Brian A. Coon	Jamee C. Maurer
Kristin Lea Delfs	Amy L. Peters
Todd C. Dorman	Alan F. Poock
Jennifer L. Gibson	Michael J. Reed
Shawna J. Greiner	Lori A. Riessen
Jason W. Gross	Kari A. Sweeney
Lisa M. Jones	Dustin R. Wilcox
Kathleen L. Lemker	Gabrielle L. Wilson
	Angela D. Yoder

## 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	Tom Fey	68
Robert C. Arnould	100	Daniel P. Fogarty	1
Donald D. Avenson	14	Robert Fuller	22
Bradly Carter Banks	38	Teresa Garman	36
Jack Beaman	27	John Groninga	88
Linda Beatty	15	Josephine Gruhn	39
Wayne Bennett	63	Rod Halvorson	83
Tony Bisignano	20	Roger A. Halvorson	92
Dennis H. Black	3	Johnnie Hammond	30
Gene Blanshan	54	Steven D. Hansen	71
Philip E. Brammer	82	Darrell Hanson	10
William J. Brand	76	William Harbor	94
Clifford O. Branstad	25	Patricia Harper	50
Joel W. Brown	17	Jack Hatch	79
Florence Buhr	65	Mark A. Haverland	26
Dorothy F. Carpenter	95	Donald Hermann	91
Kay Chapman	64	Joan L. Hester	7
Betty Jean Clark	34	Dave Hibbard	21
Dennis M. Cohoon	75	Jack Holveck	28
Mike Connolly	85	Daniel Jay	69
John H. Connors	84	Glen D. Jesse	19
Ron J. Corbett	40	Thomas J. Jochum	90
Horace C. Daggett	45	Paul W. Johnson	51
Kenneth De Groot	32	Bob Kistler	9
Marvin E. Diemer	6	Don Knapp	47
Minnette Doderer	98	Deo A. Koenigs	44
Robert E. Dvorsky	78	Joseph M. Kremer	4
Russell J. Eddie	37	Raymond Lageschulte	31

Name	Seat No.	Name	Seat No.
Mary A. Lundby	62	Bob Renken	12
Jim Lykam	77	Ralph Rosenberg	67
Ruhl Maulsby	97	Bill Royer	42
Dennis May	49	Hugo Schnekloth	81
Andy McKean	43	David Schrader	58
Wayne McKinney, Jr.	74	Mark S. Shearer	73
Dolores M. Mertz	11	Gary Sherzan	48
Janet Metcalf	8	Don Shoning	23
Tom H. Miller	93	Don Shoultz	59
Louis J. Muhlbauer	87	Brent Siegrist	86
Mary Neuhauser	55	Clay Spear	53
Joyce Nielsen	5	Gregory A. Spenner	29
C. Arthur Ollie	24	Delwyn D. Stromer	99
David Osterberg	41	Vic Stueland	35
Emil S. Pavich	96	Jane Svoboda	72
Wendell C. Pellett	33	Tom Swartz	46
Mike Peters	16	David M. Tabor	56
Dan Petersen	61	Jane Teaford	52
Michael Peterson	70	Bill Trent	57
Lee Plasier	13	Phil Tyrrell	2
Charles N. Poncy	66	Harold Van Maanen	89
Dennis Renaud	60	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—21 Members

Osterberg, Chair	De Groot	Johnson	Muhlbauer
Gruhn*	Eddie	Koenigs	Pellett
Petersen, D. F.**	Fogarty	May	Schrader
Banks	Fuller	McKinney	Stueland
Bennett	Hibbard	Mertz	Svoboda
Branstad			

#### APPROPRIATIONS—21 Members

Jochum, Chair	Halvorson, R. A.	Hatch	Pavich
Peterson, M. K.*	Halvorson, R. N.	Knapp	Poncy
Van Maanen**	Hammond	Lageschulte	Stueland
Buhr	Hansen, S. D.	Maulsby	Svoboda
Carpenter	Harbor	McKinney	Swartz
Corbett			

\* Vice-Chair

\*\* Ranking Member

## ECONOMIC DEVELOPMENT—21 Members

Swartz, Chair	Connolly	Hermann	Miller
Brand*	Corbett	Jesse	Neuhauser
Branstad**	Dvorsky	Lageschulte	Ollie
Beaman	Groninga	Lykam	Svoboda
Bennett	Halvorson, R. N.	Metcalf	Teaford
Cohoon			

## EDUCATION—21 Members

Ollie, Chair	Cohoon	Lageschulte	Shearer
Shoultz*	Corbett	Maulsby	Siegrist
Daggett**	Harper	Miller	Spear
Adams	Haverland	Neuhauser	Tabor
Beaman	Kistler	Nielsen	Wise
Brand			

## ENERGY AND ENVIRONMENTAL PROTECTION—21 Members

Rosenberg, Chair	Dvorsky	Jesse	Petersen, D. F.
May*	Garman	Johnson	Schrader
McKean**	Hanson, D. R.	Lundby	Shoultz
Adams	Hatch	Nielsen	Siegrist
Banks	Holveck	Osterberg	Trent
Bisignano			

## HUMAN RESOURCES—21 Members

Fey, Chair	Buhr	Harper	Mertz
Nielsen*	Carpenter	Haverland	Peters
Plasier**	Clark	Hermann	Spear
Adams	Daggett	Hester	Spenner
Beatty	Hammond	Kistler	Teaford
Brown			

## JUDICIARY AND LAW ENFORCEMENT—21 Members

Jay, Chair	Clark	Kremer	Rosenberg
McKinney*	Hansen, S. D.	Peterson, M. K.	Sherzan
Halvorson, R. A.**	Harbor	Plasier	Shoning
Beatty	Hibbard	Poncy	Siegrist
Brammer	Knapp	Renaud	Trent
Chapman			

## LABOR AND INDUSTRIAL RELATIONS—21 Members

Sherzan, Chair	Connors	Hester	Miller
Peters*	Diemer	Jochum	Neuhauser
Tyrrell**	Halvorson, R. N.	Kistler	Ollie
Blanshan	Harper	Kremer	Plasier
Brammer	Hermann	Lykam	Wise
Chapman			

\* Vice-Chair

\*\* Ranking Member

## LOCAL GOVERNMENT—21 Members

Fogarty, Chair	Brown	Haverland	Peters
Fuller*	Connors	Hester	Renken
Royer**	Diemer	McKean	Shearer
Banks	Eddie	Mertz	Spear
Bisignano	Hatch	Muhlbauer	Spenner
Black			

## NATURAL RESOURCES AND OUTDOOR RECREATION—21 Members

Black, Chair	Gruhn	Maulsby	Royer
Schrader*	Jay	May	Stueland
Diemer**	Johnson	McKean	Swartz
Eddie	Koenigs	Osterberg	Tabor
Fogarty	Lykam	Pellett	Tyrrell
Fuller			

## RULES AND ADMINISTRATION—13 Members

Teaford, Chair	Connors	Kremer	Swartz
Bisignano*	Hansen, S. D.	Pavich	Van Maanen
Metcalf**	Harbor	Stromer	Wise
Chapman			

## SMALL BUSINESS AND COMMERCE—21 Members

Doderer, Chair	Chapman	Hibbard	Schneklath
Hansen, S. D.*	Dvorsky	Holveck	Sherzan
Renken**	Garman	Jesse	Shoning
Bisignano	Groninga	Kremer	Shoultz
Blanshan	Halvorson, R. A.	Metcalf	Trent
Brammer			

## STATE GOVERNMENT—21 Members

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

## TRANSPORTATION—21 Members

Connolly, Chair	Brown	Jay	Renaud
Cohoon*	Fey	Koenigs	Royer
De Groot**	Fogarty	Muhlbauer	Schneklath
Beaman	Gruhn	Pavich	Shearer
Black	Harbor	Pellett	Spenner
Branstad			

\* Vice-Chair

\*\* Ranking Member

## WAYS AND MEANS—21 Members

Tabor, Chair	Connolly	Groninga	Osterberg
Wise*	Daggett	Hanson, D. R.	Petersen, D. F.
Schneklath**	De Groot	Holveck	Renken
Bennett	Doderer	May	Rosenberg
Brand	Fey	Metcalf	Teaford
Chapman			

## ETHICS—5 Members

Holveck, Chair	Hermann**	McKinney
Neuhauser*	McKean	

## HOUSE APPROPRIATIONS SUBCOMMITTEES

## ADMINISTRATION—7 Members

Renaud, Chair	Kremer**	McKean	Tyrrell
Adams*	Fuller	McKinney	

## AGRICULTURE/NATURAL RESOURCES—7 Members

Johnson, Chair	Stueland**	Lykam	Schrader
Mertz*	Diemer	Pellett	

## CLAIMS—3 Members

Gruhn, Chair	Lundby	Lykam
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## ECONOMIC DEVELOPMENT—7 Members

Poncy, Chair	Harbor**	Corbett	Swartz
Shearer*	Branstad	Jesse	

## EDUCATION—7 Members

Hatch, Chair	Maulsby**	Lageschulte	Siegrist
Neuhauser*	Beatty	Shoultz	

## HEALTH AND HUMAN RIGHTS—7 Members

Haverland, Chair	Carpenter**	Gruhn	Spenner
Harper*	Buhr	Royer	

## HUMAN SERVICES—7 Members

Hammond, Chair	Hester**	Nielsen	Plasier
Brown*	Kistler	Peters	

## JUSTICE SYSTEM—7 Members

Knapp, Chair	Clark**	Halvorson, R. A.	Sherzan
Dvorsky*	Eddie	Peterson, M. K.	

\* Vice-Chair

\*\* Ranking Member

## REGULATIONS—7 Members

Spear, Chair	Garman**	Lundby	Muhlbauer
Hibbard*	Connors	Miller	

## TRANSPORTATION AND SAFETY—7 Members

Koenigs, Chair	Shoning**	Cphoon	Pavich
Svoboda*	Beaman	Hermann	

## HOUSE COMMITTEE ASSIGNMENTS

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

\* Vice-Chair

\*\* Ranking Member

Brand, Bill	Economic Development, Vice-Chair Education Ways and Means
Branstad, Clifford	Agriculture Economic Development, Ranking Member Transportation Economic Development Appropriations Subcommittee
Brown, Joel	Human Resources Local Government Transportation Human Services Appropriations Subcommittee, Vice-Chair
Buhr, Florence	Appropriations Human Resources State Government Health and Human Rights Appropriations Subcommittee
Carpenter, Dorothy	Appropriations Human Resources State Government Health and Human Rights Appropriations Subcommittee, Ranking Member
Chapman, Kay	Judiciary and Law Enforcement Labor and Industrial Relations Rules and Administration Small Business and Commerce Ways and Means
Clark, Betty Jean	Human Resources Judiciary and Law Enforcement Justice System Appropriations Subcommittee, Ranking Member
Cohoon, Dennis	Economic Development Education Transportation, Vice-Chair Transportation and Safety Appropriations Subcommittee
Connolly, Mike	Economic Development Transportation, Chair Ways and Means
Connors, John	Labor and Industrial Relations Local Government Rules and Administration State Government Regulations Appropriations Subcommittee

Corbett, Ron	Appropriations Economic Development Education Economic Development Appropriations Subcommittee
Daggett, Horace	Education, Ranking Member Human Resources Ways and Means
De Groot, Ken	Agriculture Transportation, Ranking Member Ways and Means
Diemer, Marvin	Labor and Industrial Relations Local Government Natural Resources and Outdoor Recreation, Ranking Member Agriculture/Natural Resources Appropriations Subcommittee
Doderer, Minnette	Small Business and Commerce, Chair State Government Ways and Means
Dvorsky, Bob	Economic Development Energy and Environmental Protection Small Business and Commerce Justice System Appropriations Subcommittee, Vice-Chair
Eddie, Russell	Agriculture Local Government Natural Resources and Outdoor Recreation Justice System Appropriations Subcommittee
Fey, Tom	Human Resources, Chair Transportation Ways and Means
Fogarty, Dan	Agriculture Local Government, Chair Natural Resources and Outdoor Recreation Transportation
Fuller, Bob	Agriculture Local Government, Vice-Chair Natural Resources and Outdoor Recreation Administration Appropriations Subcommittee
Garman, Teresa	Energy and Environmental Protection Small Business and Commerce State Government Regulations Appropriations Subcommittee, Ranking Member

Groninga, John	Economic Development Small Business and Commerce Ways and Means
Gruhn, Josephine	Agriculture, Vice-Chair Natural Resources and Outdoor Recreation Transportation Claims, Chair Health and Human Rights Appropriations Subcommittee
Halvorson, Rod	Appropriations Economic Development Labor and Industrial Relations State Government
Halvorson, Roger	Appropriations Judiciary and Law Enforcement, Ranking Member Small Business and Commerce Justice System Appropriations Subcommittee
Hammond, Johnie	Appropriations Human Resources State Government Human Services Appropriations Subcommittee, Chair
Hansen, Steve	Appropriations Judiciary and Law Enforcement Rules and Administration Small Business and Commerce, Vice-Chair
Hanson, Darrell	Energy and Environmental Protection State Government, Ranking Member Ways and Means
Harbor, Bill	Appropriations Judiciary and Law Enforcement Rules and Administration Transportation Economic Development Appropriations Subcommittee, Ranking Member
Harper, Pat	Education Human Resources Labor and Industrial Relations Health and Human Rights Appropriations Subcommittee, Vice-Chair
Hatch, Jack	Appropriations Energy and Environmental Protection Local Government Education Appropriations Subcommittee, Chair

Haverland, Mark	Education Human Resources Local Government Health and Human Rights Appropriations Subcommittee, Chair
Hermann, Don	Economic Development Ethics, Ranking Member Human Resources Labor and Industrial Relations Transportation and Safety Appropriations Subcommittee
Hester, Joan	Human Resources Labor and Industrial Relations Local Government Human Services Appropriations Subcommittee, Ranking Member
Hibbard, Dave	Agriculture Judiciary and Law Enforcement Small Business and Commerce Regulations Appropriations Subcommittee, Vice-Chair
Holveck, Jack	Energy and Environmental Protection Ethics, Chair Small Business and Commerce Ways and Means
Jay, Dan	Judiciary and Law Enforcement, Chair Natural Resources and Outdoor Recreation Transportation
Jesse, Glen	Economic Development Energy and Environmental Protection Small Business and Commerce Economic Development Appropriations Subcommittee
Jochum, Tom	Appropriations, Chair Labor and Industrial Relations
Johnson, Paul	Agriculture Energy and Environmental Protection Natural Resources and Outdoor Recreation Agriculture/Natural Resources Appropriations Subcommittee, Chair
Kistler, Bob	Education Human Resources Labor and Industrial Relations Human Services Appropriations Subcommittee

Knapp, Don	Appropriations Judiciary and Law Enforcement State Government Justice System Appropriations Subcommittee, Chair
Koenigs, Deo	Agriculture Natural Resources and Outdoor Recreation Transportation Transportation and Safety Appropriations Subcommittee, Chair
Kremer, Joe	Judiciary and Law Enforcement Labor and Industrial Relations Rules and Administration Small Business and Commerce Administration Appropriations Subcommittee, Ranking Member
Lageschulte, Ray	Appropriations Economic Development Education Education Appropriations Subcommittee
Lundby, Mary	Energy and Environmental Protection State Government Claims Regulations Appropriations Subcommittee
Lykam, Jim	Economic Development Labor and Industrial Relations Natural Resources and Outdoor Recreation Agriculture/Natural Resources Appropriations Subcommittee Claims
Maulsby, Ruhl	Appropriations Education Natural Resources and Outdoor Recreation Education Appropriations Subcommittee, Ranking Member
May, Dennis	Agriculture Energy and Environmental Protection, Vice-Chair Natural Resources and Outdoor Recreation Ways and Means
McKean, Andy	Energy and Environmental Protection, Ranking Member Ethics Local Government Natural Resources and Outdoor Recreation Administration Appropriations Subcommittee

McKinney, Wayne	Agriculture Appropriations Ethics Judiciary and Law Enforcement, Vice-Chair Administration Appropriations Subcommittee
Mertz, Dolores	Agriculture Human Resources Local Government Agriculture/Natural Resources Appropriations Subcommittee, Vice-Chair
Metcalf, Janet	Economic Development Rules and Administration, Ranking Member Small Business and Commerce Ways and Means
Miller, Tom	Economic Development Education Labor and Industrial Relations Regulations Appropriations Subcommittee
Muhlbauer, Louis	Agriculture Local Government Transportation Regulations Appropriations Subcommittee
Neuhauser, Mary	Economic Development Education Ethics, Vice-Chair Labor and Industrial Relations Education Appropriations Subcommittee, Vice-Chair
Nielsen, Joyce	Education Energy and Environmental Protection Human Resources, Vice-Chair Human Services Appropriations Subcommittee
Ollie, Art	Economic Development Education, Chair Labor and Industrial Relations
Osterberg, David	Agriculture, Chair Energy and Environmental Protection Natural Resources and Outdoor Recreation Ways and Means
Pavich, Emil	Appropriations Rules and Administration State Government Transportation Transportation and Safety Appropriations Subcommittee

Pellett, Wendell	Agriculture Natural Resources and Outdoor Recreation Transportation Agriculture/Natural Resources Appropriations Subcommittee
Peters, Mike	Human Resources Labor and Industrial Relations, Vice-Chair Local Government Human Services Appropriations Subcommittee
Petersen, Dan	Agriculture, Ranking Member Energy and Environmental Protection Ways and Means
Peterson, Mike	Appropriations, Vice-Chair Judiciary and Law Enforcement State Government Justice System Appropriations Subcommittee
Plasier, Lee	Human Resources, Ranking Member Judiciary and Law Enforcement Labor and Industrial Relations Human Services Appropriations Subcommittee
Poncy, Charles	Appropriations Judiciary and Law Enforcement State Government Economic Development Appropriations Subcommittee, Chair
Renaud, Dennis	Judiciary and Law Enforcement State Government Transportation Administration 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 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

Schnekloth, Hugo	Small Business and Commerce Transportation Ways and Means, Ranking Member
Schrader, Dave	Agriculture Energy and Environmental Protection Natural Resources and Outdoor Recreation, Vice-Chair Agriculture/Natural Resources Appropriations Subcommittee
Shearer, Mark	Education Local Government Transportation Economic Development Appropriations Subcommittee, Vice-Chair
Sherzan, Gary	Judiciary and Law Enforcement Labor and Industrial Relations, Chair Small Business and Commerce Justice System Appropriations Subcommittee
Shoning, Don	Judiciary and Law Enforcement Small Business and Commerce State Government Transportation and Safety Appropriations Subcommittee, Ranking Member
Shultz, Don	Education, Vice-Chair Energy and Environmental Protection Small Business and Commerce Education Appropriations Subcommittee
Siegrist, Brent	Education Energy and Environmental Protection Judiciary and Law Enforcement Education Appropriations Subcommittee
Spear, Clay	Education Human Resources Local Government Regulations Appropriations Subcommittee, Chair
Spenner, Greg	Human Resources Local Government Transportation Health and Human Rights Appropriations Subcommittee
Stromer, Del	Rules and Administration
Stueland, Vic	Agriculture Appropriations Natural Resources and Outdoor Recreation Agriculture/Natural Resources Appropriations Subcommittee, Ranking Member

Svoboda, Jane	Agriculture Appropriations Economic Development Transportation and Safety Appropriations Subcommittee, Vice-Chair
Swartz, Tom	Appropriations Economic Development, Chair Natural Resources and Outdoor Recreation Rules and Administration Economic Development Appropriations Subcommittee
Tabor, David	Education Natural Resources and Outdoor Recreation Ways and Means, Chair
Teaford, Jane	Economic Development Human Resources Rules and Administration, Chair State Government Ways and Means
Trent, Bill	Energy and Environmental Protection Judiciary and Law Enforcement Small Business and Commerce
Tyrrell, Phil	Labor and Industrial Relations, Ranking Member Natural Resources and Outdoor Recreation State Government Administration Appropriations Subcommittee
Van Maanen, Harold	Appropriations, Ranking Member Rules and Administration State Government
Wise, Phil	Education Labor and Industrial Relations Rules and Administration Ways and Means, Vice-Chair

IN THE SUPREME COURT OF IOWA

APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE HOUSE OF REPRESENTATIVES OF THE 73RD IOWA GENERAL ASSEMBLY BY THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA

TO THE HOUSE OF REPRESENTATIVES OF THE 73RD 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 Albert V. Hass of Chariton and Catherine H. Thune of Des Moines, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the House of Representatives.

Dated this 27th day of December, 1988.

THE SUPREME COURT OF IOWA  
Arthur A. McGiverin, 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 29th day of December, 1988.

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-third General Assembly: Representative Jack Holveck of Polk County, Chair; Representative Mary Neuhauser of Johnson County, Vice Chair; and Representative Wayne McKinney of Dallas 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-third General Assembly: Representative Don Hermann of Scott County, Ranking Member; and Representative Andy McKean of Jones 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:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Assistant Legal Counsel	E. Jane Fowler	26-2 to 26-3	P-FT	06-24-88
Compositor	C. Elaine Schoonover	20-5 to 20-6	P-FT	06-24-88
Legislative Research Analyst I	Margaret A. Dohrer	27-1 to 27-2	P-FT	06-24-88
Legislative Research Analyst II	Margaret Ann Thomson	30-1 to 30-2	P-FT	07-08-88
Legislative Research Analyst I	Julie Cecil	27-1 to 27-2	P-FT	07-08-88

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Caucus Staff Director	Gary W. Steinke	34-2 to 34-3	P-FT	08-05-88
Legislative Research Analyst III	Mary E. O. Fleckenstein	33-4 to 33-5	P-FT	08-05-88
Legislative Research Analyst III	Thomas R. Patterson	33-4 to 33-5	P-FT	08-05-88
Legislative Research Analyst I	Stuart D. Hadley	27-2 to 30-1	P-FT	08-05-88
Legislative Research Analyst II				
Administrative Assistant to Speaker III	Mark W. Brandsgard	33-4 to 33-5	P-FT	08-05-88
Administrative Assistant to Leader III	William C. Maloney	33-4 to 33-5	P-FT	08-05-88
Legislative Research Analyst I	Stephen F. Moore	27-3 to 27-4	P-FT	08-05-88
Legislative Research Analyst I	Steven A. Kopf	27-1	P-FT	08-08-88
Legislative Research Analyst I	Kathi G. Woods	27-1	P-FT	08-22-88
Caucus Secretary	Jenifer L. Parsons	21-1	P-FT	08-29-88
Legislative Research Analyst I	Janet Roewe Saldanha	27-1 to 27-2	P-FT	09-02-88
Legislative Research Analyst II	Edward J. Conlow	30-3 to 30-4	P-FT	09-02-88
Legislative Research Analyst I	Joseph P. Romano	27-1 to 27-2	P-FT	09-16-88
Legislative Research Analyst I	Susan Severino	27-1	P-FT	01-05-89
Legislative Research Analyst I	Greg Watson	27-1	P-FT	01-05-89

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

Legislative Research Analyst I	Gina M. Angelici			05-20-88
Legislative Research Analyst I	Julie Cecil			08-09-88
Legislative Research Analyst I	Stephen F. Moore			11-14-88
Legislative Research Analyst II	Stuart D. Hadley			11-22-88

TEAFORD of Black Hawk, Chair

## APPOINTMENTS

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

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

Bob Renken ..... Reappointed to a term ending June 30, 1990

### AFFORDABLE HEATING PAYMENT PROGRAM PILOT PROJECT (Chapter 1175, Sec. 7(3), 1988 Acts of the Seventy-second General Assembly)

Jack Hatch ..... Serves at the pleasure of the Speaker

### AGRICULTURE ENERGY MANAGEMENT ADVISORY COUNCIL (Chapter 467E.1(2), Code of Iowa)

David Osterberg ..... Appointed to a term ending June 30, 1990

Don Paulin ..... Appointed to a term ending June 30, 1990

### BOUNDARY COMMISSION (Chapter 2.91(1), Code of Iowa)

Bill Royer ..... Reappointed to a term ending June 30, 1990

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

Mark L. Brandsgard ..... Appointed to a term ending June 30, 1993

### COMMISSION ON THE STATUS OF WOMEN (Chapter 1150, Sec. 2(1), 1988 Acts of the Seventy-second General Assembly)

Mary Neuhauser ..... Appointed to a term ending June 30, 1992

### ECONOMIC DEVELOPMENT BOARD (Chapter 15.103, Code of Iowa)

John Groninga ..... Appointed to a term ending June 30, 1990

### DEPARTMENT OF ECONOMIC DEVELOPMENT TASK FORCE ON TOURISM (Request from Allan Thoms, Dir., Iowa Department of Economic Development)

Tom Fey ..... Serves at the pleasure of the Speaker

### HEALTH DATA COMMISSION (Chapter 145.2, Code of Iowa)

Johnie Hammond ..... Appointed to a term ending June 30, 1989

## APPOINTMENT

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

### AFFORDABLE HEATING PILOT PROJECT ADVISORY BOARD

Mary Lundby ..... Serves at the pleasure of the Speaker

COMMUNICATION RECEIVED

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

September 30, 1988

The Honorable Terry E. Branstad  
Governor  
State Capitol Building  
Des Moines, Iowa 50319

Dear Governor Branstad:

As I have accepted full-time employment with your office, I hereby resign my elective position as State Representative from District 5.

This resignation is effective immediately.

Respectfully submitted,  
Donald J. Paulin

COMMUNICATIONS RECEIVED

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

AUDITOR OF STATE

The Auditors' Reports, Financial Statements and Supplemental Information, pursuant to Chapter 11.25(1), Code of Iowa.

The Audit Report for December 31, 1987 - March 31, 1988 for the Lottery Division, pursuant to Chapter 99E.11(1), Code of Iowa.

DEPARTMENT OF COMMERCE

The annual report of Administrative Services of the Department of Commerce, pursuant to Chapter 7E.3(4), Code of Iowa.

A report of the condition of Savings and Loan Associations, pursuant to Chapter 534.401(4), Code of Iowa.

The annual report of the Iowa State Utilities Board for 1987, pursuant to Chapter 17.10, Code of Iowa.

DEPARTMENT OF EMPLOYMENT SERVICES

A status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

The Child Support Modification Demonstration Report, pursuant to Chapter 234.203(4), 1988 Acts of the Seventy-second General Assembly.

A report of the Payment Systems for Eligible Recipients of Section 225C.28, pursuant to Chapter 234, 1988 Acts of the Seventy-second General Assembly.

The Proposed Social Services Block Grant Pre-Expenditure Report, pursuant to Chapter 217.21, Code of Iowa.

#### DEPARTMENT OF JUSTICE

The 1987 Annual Statistical Report by the State Court Administrator, pursuant to Chapter 602.1209(6), Code of Iowa.

A report on the operation of the Iowa Prosecutor Intern Program during the 1988 state fiscal year, pursuant to Chapter 13.2(12), Code of Iowa.

#### DEPARTMENT OF MANAGEMENT

The Department of Management's Annual Report from July 1, 1987 - June 30, 1988, pursuant to Chapter 7E.3(4), Code of Iowa.

#### DEPARTMENT OF PERSONNEL

The Annual Report from July 1, 1987 - June 30, 1988, pursuant to Chapter 7E.3(4), Code of Iowa.

#### DEPARTMENT OF PUBLIC DEFENSE

The Annual Report of the Military Division, for fiscal year 1987, pursuant to Chapter 29A.12, Code of Iowa.

#### DEPARTMENT OF PUBLIC HEALTH

The Annual Report for 1987-1988, pursuant to Chapter 7E.3(4), Code of Iowa.

The Annual Report for July 1, 1987 - June 30, 1988, relating to the Certificate of Need program, pursuant to Chapter 135.77, Code of Iowa.

#### DEPARTMENT OF PUBLIC SAFETY

The Annual Report for the Fiscal Year 1988, pursuant to Chapter 7E.3(4), Code of Iowa.

#### DEPARTMENT OF REVENUE AND FINANCE

The 1986 Iowa Individual Income Tax Annual Statistical Report for 1986 returns filed in 1987, pursuant to Chapter 422.75, Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

The revised and adopted Iowa Transportation Policy pursuant to Chapter 307.10(1), Code of Iowa.

The 1988 Iowa Primary Road Sufficiency Log, pursuant to Chapter 307A.1(12), Code of Iowa.

A communication was received from the Department of Transportation, pursuant to Chapter 172.2, 1987 Acts of the Seventy-second General Assembly, informing the legislature that the department is working with the Department of Natural Resources, Economic Development and Cultural Affairs to develop a plan to supplement the special program in the enacted gas tax bill relating to a statewide trails system.

#### GOVERNOR'S PLANNING COUNCIL FOR DEVELOPMENTAL DISABILITIES

The second annual report pursuant to Chapter 601K.77(8), Code of Iowa.

### IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The Annual Report and Legislative Priorities for 1987-1988, pursuant to Chapter 28C.6, Code of Iowa.

### IOWA COLLEGE AID COMMISSION

A report addressing the impact of the Commission rule which extended the deadline for applications for the Iowa Tuition Grant program for 1988 and describes the administrative procedures adopted by the Commission to promote access to the program for Iowa residents, pursuant to Chapter 1284, Sec. 17, 1988 Acts of the Seventy-second General Assembly.

### IOWA FINANCE AUTHORITY

The Annual Report ending June 30, 1987, pursuant to Chapter 220, Code of Iowa.

### IOWA LAW ENFORCEMENT ACADEMY

A report on the Iowa Law Enforcement Academy's operations, pursuant to Chapter 7E.3(4), Code of Iowa.

### STATE BOARD OF REGENTS

A report concerning the professional training required to deliver case management services, pursuant to Chapter 1276, Sec. 40, 1988 Acts of the Seventy-second General Assembly.

A report concerning child care needs at the Regent universities, pursuant to Chapter 1284, Sec. 59, 1988 Acts of the Seventy-second General Assembly.

### 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 1988:

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

- |         |   |
|---------|---|
| 1988-64 | Kevin Heldt, Estherville — For his leadership, support and special ability to assist in medical care during an emergency.                                   |
| 1988-65 | John Cullinan, Rock Valley — For attaining his 90th birthday June 15th, 1988.   |
| 1988-66 | Sudenga Industries, Inc., George — For a century of progress (1888-1988) in its serving of agriculture in northwest Iowa and making a true economic impact. |
| 1988-67 | Jay Sudenga, George — For his family's century of progress in serving agriculture and northwest Iowa.   |
| 1988-68 | Floyd Sudenga, George — For his family's century of progress in serving agriculture and northwest Iowa.   |
| 1988-69 | Todd Peek, Davenport — For receiving the Boy Scouts of America Eagle Scout Award.   |

- 1988-70 Dr. Scott Helmers, Sibley — For being honored as "Family Doctor of the Year" by the Iowa Academy of Family Physicians.
- 1988-71 Mr. and Mrs. M. H. Barnes, Sigourney — For celebrating their 69th wedding anniversary November 25, 1988.
- 1988-72 James Gritton, Des Moines — For his twelve years of service as Librarian of the Iowa Law Library and his retirement.
- 1988-73 Valerie Hulstein, Melvin — For winning top honors at the RAVE talent competition in Des Moines, during the Farm Bureau state convention, 1988.
- 1988-74 Lyon County Reporter, Rock Rapids — For its one hundred years of service and dedication to Lyon County.

On motion by Arnould of Scott, the House adjourned at 2:25 p.m., until 9:00 a.m., Tuesday, January 10, 1989.

# JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 10, 1989

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

Prayer was offered by the Reverend Phillip Hayes, pastor of the Capitol Hill Christian Church, Des Moines.

The Journal of Monday, January 9, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hanson of Delaware, from the Supervisors of Delaware County and the Mayors of Colesburg, Dundee, Manchester and Ryan favoring support of the CEBA program.

By Poney of Wapello, from fifty residents opposing the proposed fishing and hunting license increase.

Also, from two hundred thirty-eight residents favoring the anti-pornography/obscenity laws of Iowa be strengthened.

## INTRODUCTION OF BILLS

**House File 5**, by Sherzan, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits.

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

**House File 6**, by Koenigs, a bill for an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

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

**House File 7**, by Sherzan, a bill for an act relating to the wrongful discharge of an employee.

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

**House File 8**, by Hanson of Delaware, a bill for an act relating to the general assembly, providing for a reduction in the number of members in the senate and house of representatives commencing with the

seventy-fifth general assembly, and directing that reapportionment procedures be conducted accordingly.

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

**House File 9**, by Peterson of Carroll, a bill for an act relating to the imposition of judgment, upon which execution will lie, against a criminal offender on probation who fails to comply with a court-ordered plan of restitution.

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

**House File 10**, by Hermann, a bill for an act relating to the review of audit workpapers of certified public accountants employed to perform annual examinations of cities.

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

**House File 11**, by Schnekloth, a bill for an act increasing the size of the estate in excess of which the state inheritance tax is to be collected.

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

**House File 12**, by Schnekloth, a bill for an act relating to third degree sexual abuse as a nonbailable offense.

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

**House File 13**, by Hatch and McKinney, a bill for an act relating to conduct which endangers the physical health or safety of a student and which is a condition of association with a student group or organization, and providing penalties.

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

**House File 14**, by Hermann, a bill for an act reducing the unemployment compensation taxable wage base.

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

**House File 15**, by Clark and Branstad, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

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

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on rules and administration.

The House stood at ease at 9:07 a.m., until the fall of the gavel.

The House resumed session at 11:32 a.m., Speaker Avenson in the chair.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 9, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a resolution relating to a joint convention, Tuesday, January 10, 1989, Governor Terry E. Branstad deliver his condition of the state message.

Also: That the Senate has on January 10, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, a concurrent resolution relating to joint rules of the senate and house for the seventy-third general assembly.

JOHN F. DWYER, Secretary

## SENATE MESSAGE CONSIDERED

**Senate Concurrent Resolution 2**, by Hutchins and Hultman, a concurrent resolution relating to joint rules of the senate and house for the seventy-third general assembly.

Read first time and referred to committee on **rules and administration**.

On motion by Arnould of Scott, the House was recessed at 11:33 a.m., until 6:00 p.m.

## EVENING SESSION

The House reconvened, Speaker Avenson in the chair.

## COMMITTEE TO NOTIFY THE SENATE

Dvorsky of Johnson 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 Dvorsky of Johnson, Hansen of Woodbury and Banks of Plymouth.

The House stood at ease at 6:05 p.m., until the fall of the gavel.

The House resumed session at 6:08 p.m., Speaker Avenson in the chair.

### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Dvorsky of Johnson, chair of the committee appointed 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 House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 6:10 p.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.

The 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 of Representatives, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Boswell of Decatur, Fraise of Lee, Nystrom of Boone, on the part of the Senate; and Representatives Mertz of Kossuth, Brand of Benton and Hanson of Delaware, on the part of the House.

The joint convention stood at ease at 6:12 p.m., until the fall of the gavel.

The joint convention resumed session at 6:22 p.m., President Zimmerman presiding.

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

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

Mrs. Chris Branstad; Allison and Eric Branstad; and Mr. and Mrs. Richard 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 Zimmerman presented Governor Terry E. Branstad, who delivered the following condition of the state address:

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

A year ago, I stood before you and proclaimed that 1987 was the best year of the decade in the 80's. I was wrong. 1988 was even better. It was a record-setting year, a year when Iowa did more than just turn the corner. 1988 was a year when Iowans made it unmistakably clear: we are back and we are primed for growth.

Consider a few facts:

- Number of Iowans working — an all time high.
- Unemployment rate — lowest since 1979.
- Manufacturing job growth — two and one half times the Midwest average and five times the U.S. rate.
- Land values — up 20 percent, despite the worst drought of my lifetime.
- Population — after decades of moving out, people are moving back to Iowa.

Even the national media discovered more to Iowa than just the caucuses. Last month, NEWSWEEK magazine extolled our virtues with a headline story, "The Heartland is Hot."

Yes, we have come back strong in Iowa, even as we faced the searing drought of 1988. And, yes, I am convinced that the Midwest — and especially Iowa — with our sound work ethic; strong education system, and solid reputation for family values and friendly people, will become more attractive as a place to work and raise a family.

It is fair to ask, how did we get here? Well, the answer is simple. We have learned a lesson in the 80's. We learned that we can no longer be complacent or reliant on just one industry — agriculture. We learned that we must make the best of our past, by changing some of the things that we are doing — by becoming more aggressive, more competitive in the race for new jobs.

For the past six years, even the darkest days of the farm crisis, we focused on economic development, on strengthening and diversifying Iowa's economy and our dedication to that task is paying off.

We must not forget that our economic rebirth is happening today, not because of what we did yesterday, but because of what we have been doing for the last six years. We have been consistently and steadily working from a sound strategic plan for growth and diversification.

That plan includes:

- Building on our strengths in agriculture and education;
- Focusing our resources with a goal of creating a transportation network to serve this state in the 21st Century;
- Improving our tax and business climate;
- Investing in areas of greatest growth potential; and,
- Finally, for the first time in the history of the state, marketing our state.

But state action alone is not the whole story. There is more to Iowa's economic resurgence than that. It is in the communities. Development in Iowa happens at the community level. In cities and towns as varied as Des Moines and Davenport; Waterloo and Council Bluffs; Osceola and Mount Pleasant; Spencer and Red Oak, growth is happening because of local leaders. We here in this chamber gave them the tools but they made development work. Today, I would like to salute the leaders of Iowa's communities for making this state ready to grow again.

Despite our dramatic progress, we cannot let up. National and international trends are with us today. But what happens if they turn against us tomorrow? Are we ready? Have we diversified enough? Have we laid a solid enough foundation upon which to build a strong economy for the decade and the next century? I believe that there is more yet to be done.

Will Rogers once said, "Even if you're on the right track, you can still get run over if you just stand still." It seems to me Will Rogers was speaking for Iowa when he said that.

Let us all resolve today not to just stand still. We will stay the course, keep the focus on economic development, and move forward to build the kind of Iowa that we want for our children and grandchildren.

We have made dramatic progress in a short time and, of course, it is customary to measure progress by looking back. But I think we have a new challenge before us: that is to compare Iowa, not with where we have been, but with where we want to go. I want to look ahead. I want to share my vision of Iowa on the threshold of a new decade and a new century.

I want Iowa to be a place where people come to, not move away from. I want this to be a state that provides opportunities for its citizens and attracts new people with jobs and an outstanding quality of life.

About a year ago, the Census Bureau came out with some dire predictions that said that by the year 2010, Iowa would have 450,000 fewer people than today. Indeed, the Census Bureau's statistical methods would have left nary a soul in Iowa in the next century. We challenged their projections at the time. By the end of the year, the Census Bureau admitted they were off base. Why, they even acknowledged that people are beginning to come back to the Heartland.

The point is this: we can mold our own future. We can and we are reversing a century long tradition of out-migration. If we want Iowa to grow, we can make it happen. Our challenge is to bring people back and jobs are what will do that — jobs and a great quality of life. I want Iowa to become a magnet to pull people home — home to the Heartland where tradition and family and security still mean something.

I want an Iowa where our citizens have the choice to live on farms or to have good jobs in small or large communities; where our children have the best education in the nation; where our elders are a respected and are an active part of their community; where families are strong and safe on the streets or in their homes and where we all can benefit from a clean environment.

I recently received a letter from Randy and Jayne Welch of Hamden, Connecticut. They both grew up and went to college in Iowa and they left here for a job in New York City in 1985. Randy is tired of his 2½ hour commute to work. They said in their letter:

“We are now in the process of trying to return to Iowa. The thought of leaving the subway trains, crime rates and the outrageous cost of living behind is a pleasant one. We are excited about the prospect of returning to a meaningful career in the pleasant surrounding of our home state.”

There are many people like Randy and Jayne Welch. They want to come back to a place they still call home — to Iowa. Let us resolve today to never, never stop our efforts to help those homecomings happen.

So, the fabric of our future in Iowa must be woven together with the threads of five critical areas: Economic Development, Education, the Family, Public Safety, and the Environment. If we address each this year and in the coming years, we can achieve that delicate balance of a strong economy coupled with a top quality of life.

Economic development must and will remain at the top of my priority list. There's an old sports adage that says, “Stick with what got you there.” Well, our focus on economic development for the past six years has helped make today's economic recovery a reality. So let us stick with it.

Our plan needs to continue to build on our strengths. In agriculture, this means a significant investment in research so we can find new ways to add value to Iowa's basic commodities. Iowa currently ranks last among 11 Midwestern states in per capita for ag research spending. That is a shame. By 1992, I want Iowa to be among the leaders in ag research. We can achieve that goal by committing additional resources to an ag research program, and I suggest we start today to get that job done.

Our resources — now and in the future — should be focused on the community. We know that not every Iowan has enjoyed the fruits of economic recovery. There are those in rural Iowa who are still feeling the pain of the farm crisis or the effects of the drought.

There are those who would have us believe that the Iowa of the future will be dominated by a few regional growth centers. Is that what we want or do we want to show the nation that even the smallest communities can grow with strong local leadership, and with state support and encouragement? I happen to think we can be a model for rural development, because I have already seen local citizens pulling together to build successful small communities.

In order to help our small communities, I am proposing a Rural Enterprise Fund that will provide seed money for local development organizations, support for rural incubators, more rural housing, and funds that will expand the Main Street Program to communities under 5000.

More and more states are recognizing that telecommunications are the highways of the future. A good telecommunications system can make rural Iowa a logical choice for a business location or expansion. It can also help our schools prepare our children to compete in a world economy.

I am recommending that we make a commitment to the Iowa Educational Telecommunications Network, a two-way video communications system that will ultimately serve the entire state.

We must also continue to target our investments to growth areas that will help diversify Iowa's economy. We have already invested \$27.5 million in strategic research. Now we must develop a working partnership among the business, academic and government communities to make sure that research moves from the lab to the workplace. I am convinced Iowa can leapfrog other states in the race to create high tech jobs if we establish an Iowa Science and Technology Foundation.

Over 2000 jobs have been created in Iowa by the insurance industry since we began that effort in the fall of 1987. Quality Iowa companies like The Principal Group are expanding and others, like Liberty Mutual of Boston, are placing new operations in Iowa.

We believe that we can have a similar success with pharmaceuticals. The University of Iowa already has the only College of Pharmacy in the country that has an FDA-approved pharmaceutical lab. Pharmaceutical manufacturing fits right in with our strategy to invest in biotechnology and we have made a good start with Eastman Kodak locating its first pharmaceutical manufacturing facility in Cedar Rapids. Another major firm is seriously considering locating in the university's industrial research park. That would set the stage for expansion of this industry in Iowa.

Finally, let us not forget to tell our story, the Iowa story. Last year, we made a good start and take a look at the results:

- more than 4,000 business responses in just the first six months; and
- requests for tourism information are up 210 percent since the campaign began.

Remember last year when I stood before you and said I was tired of waking up to Missouri? Well, this year, thanks to your help, Governor Ashcroft and others throughout the Midwest will be waking up to Iowa.

Clearly, we must continue to build on our current promotional program to keep Iowa out in front of business decision-makers and tourists. To do this, I am proposing that we increase our commitment to marketing Iowa by \$3.5 million.

Education is a cornerstone of our economic development strategy. It is at the top of the list when we talk about quality of life. Our goal should not waiver: Keep Iowa's education system number one in the country.

Iowa's three-phased Educational Excellence Program is an important support and encouragement for our teachers. As a result of Phase III, great things are happening in school districts across Iowa.

As I visit schools, I have seen all kinds of innovative approaches to teaching and learning. . . like performance-based pay systems worked out in cooperation between teachers and administrators, improved curriculum, and even things like customized vocabulary drills for students.

I also would like to suggest that we acknowledge the many principals and superintendents who helped make Phase III a success.

Let us consider for a moment the challenges we face in preparing our Iowa students to compete in the world economy. First, there is the issue of the new skills that will be required for the jobs and the use of sophisticated technology.

Secondly, what do we do to prevent young children from being the drug addicts and drop outs of tomorrow? I would remind you that already, 10 percent of Iowa's very young children are considered at risk — at risk of falling through the cracks in our society.

If we are to compete in the 21st Century, we cannot afford to let that happen. We need every possible school child to become a productive member of the workforce. With this in mind, we face a special year in the history of K/12 education in Iowa. We are charged with the responsibility of rewriting the school aid formula. It is a time when we can truly build an educational system for the 21st Century for the entire State of Iowa.

And the entire state is key here. A viable education system for the State of Iowa will not be built on short term goals, that is, how does my district gain or lose next year. Rather our success will be measured by how well we provide Iowa's children with the choices and resources that give them the finest education possible.

This is an awesome responsibility and one that I hope each one of us in these chambers here tonight will come to accept in a spirit of cooperation. We must work throughout the session to approve the very best plan that will benefit every child in Iowa.

At the state universities, the focus should be on improving undergraduate education, increasing faculty salaries, and investing in research that will create jobs for Iowa's future. At the community colleges, the direction should be training and retraining our workforce. At the independent colleges and universities we should continue to be able to serve Iowans with a quality and affordable educational alternative. The budget I will present to you on Friday will reflect each of these goals for higher education.

A solid family structure is at the heart of a good quality of life. Iowa is recognized as a place where community, neighborhood and family still count for something. But in recent years, the foundation of our families has been shaken. A few startling statistics bring into sharp focus the new realities for Iowa's families. The number of single parents in Iowa has doubled since 1970. Across the country, 65 percent of all mothers of children under 18 work. Iowa ranks first in the nation with the population over age 85. And, the experts tell us to expect more of the same.

Last year, we began our welfare reform program — PROJECT PROMISE — and it has already become a model for the nation. In the last 18 months, 5,300 Iowa families have successfully moved from dependency on welfare to independence and jobs.

I met Bonnie Peiffer during a PROJECT PROMISE trip to Iowa City last fall. Through the program, Bonnie has been able to get off welfare and into a job as a nurse at the University Hospitals. She said:

"PROMISE makes it possible to work and feel better about yourself. The adjustment from welfare recipient to work has not been that difficult, and believe it or not, my nursing schedule does work out with the kids."

I want to personally thank Roger Herr for an outstanding job of spear-heading PROJECT PROMISE.

Now, we must keep up the effort with:

- Child and foster care assistance;
- New initiatives to prevent and deal with child abuse;
- Help for our elderly to stay in their homes as long as they can; and,
- Catastrophic health insurance for our seniors.

The stresses facing our families too often leads to drug or alcohol abuse and it is taking a huge toll on society. Over 50 percent of the young people in trouble with the law are drug abusers. I wish I could stand before you and say that we are exempt from the problem, but we are not.

Illegal drugs are available in every county in Iowa. Deaths from crack and cocaine are now commonplace. The state medical examiner recently reported to me that he sees an average of two deaths a week resulting from drug abuse.

It is a deadly epidemic. It has to be arrested. We must fight drug and alcohol abuse on all fronts. We must provide education about the danger of drugs for our children; we must toughen our penalties for drug offenses; we need more narcotics enforcement agents and lab technicians and we need to focus the community resources and institutions — business, churches, law enforcement, human services, education — all on one goal: drug free schools, drug free communities, a drug free Iowa.

Our families have a right to feel safe and secure on the streets and in their homes. A low crime rate is one measure of a good quality of life. Frankly, that quality is threatened by a lack of prison space.

We have run out of space and earlier and earlier releases have led to more and more repeat offenders. We have room for 2,900 prisoners but today more than 3,000 inmates are in our system.

For every new prison admission, the parole board must consider the early release of another convict. Iowa's most serious offenders are currently serving just a quarter of their sentences. After years and years of this, it is time to call a halt.

Recognizing the need for more prison beds last year, you authorized the Department of Corrections to develop a plan to meet this critical need. The department has responded by submitting a sound plan that not only adds 386 beds, but it improves the entire corrections system.

Now we need your approval to get started with the construction and remodeling. Every day of delay jeopardizes the safety of our citizens.

Iowa means "Beautiful Land" and we want to keep it that way. Iowa has been at the forefront of protecting our environment. Ten years ago we moved to stem soil erosion and we passed the bottle bill to reduce the littering of our countryside. We also just celebrated our tenth anniversary of ethanol marketing in Iowa. And, now cities like Denver and Phoenix are looking at ethanol as a way to reduce their critical air pollution problems. With your help, Iowa has become a nationally recognized leader in groundwater protection as well.

Today, questions like what do we do with our garbage and how safe is my drinking water have become commonplace, even here in Iowa.

Iowa should greet the 21st Century with the most environmentally informed citizenry, with the cleanest air, richest soil, and safest water supply in the nation. That should be our goal.

We know that the volume of plastic waste has more than doubled in the last 30 years. And, our scientists tell us that some plastics take up to 400 years to degrade. Now this is both a problem and an opportunity for Iowa. And, I am suggesting that we make it an opportunity.

We should use nothing but biodegradable bags in Iowa by the year 1991. And, nondegradable disposable plastic foams should become history in our state by 1995. And, since biodegradable bags are partially made from cornstarch, we will be adding value to an important basic commodity — corn. In fact, by doing this we could create a market for an additional 500 million bushels of corn if the country follows us to biodegradable. It is a win, win situation for Iowa.

In 1850, trees covered 18 percent of Iowa, but today only 4 percent of the state is forest land. I think it is time to create a forest renewal program for Iowa that provides incentives to plant trees on CRP and other acres. We should also get our Department of Transportation to plant more trees along our roadways. Our goal is to re-forest 30,000 acres by the year 2000.

Biodegradables, groundwater protection and re-forestation, they all are part of our plan to make Iowa the leader in environmental quality and quality of life.

It is an intriguing vista out there, as I stand here and survey the future. We begin a new session and prepare for a new decade, recognizing that a new century will soon be in sight.

We should take stock in where we are and ask ourselves some basic questions. Do we want Iowa to grow? Do we want our children and grandchildren to have better schools and more opportunities? Do we want to protect the family in our changing society? Do we want safe, and drug-free communities? Do we want a clean and healthy environment?

If you say yes, then I ask you to join me by saying yes to putting aside partisan differences and regional differences to make a commitment to focus on the future.

We have worked together on tough issues before and I think we have done a credible job. We have some tough issues ahead of us, but we can handle them. I, for one, am excited about the prospects. I think we have a good foundation in place to make our vision of the future a reality.

We want Iowa to be the state of the future and the future of the state is in our hands. Let us move ahead with courage, conviction and commitment.

Thank you.

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

On motion by Arnould of Scott, the joint convention was dissolved at 7:02 p.m.

The House reconvened at 7:03 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:

#### AUDITOR OF STATE

An Audit Report of the Legislature, pursuant to Chapter 11.25, Code of Iowa.

#### DEPARTMENT FOR THE BLIND

The 1988 Annual Report, pursuant to Chapter 601K, Code of Iowa.

#### DEPARTMENT OF COMMERCE

The annual report of the status of utility customer contribution funds, pursuant to Chapter 1175, Sec. 3(6), 1988 Acts of the Seventy-second General Assembly.

#### DEPARTMENT OF GENERAL SERVICES

A report relating to the procurement of Starched-Based Plastics, pursuant to Chapter 1185, 1988 Acts of the Seventy-second General Assembly.

#### DEPARTMENT OF NATURAL RESOURCES

A summary of activities for the 1988 Operator Certification program, pursuant to Chapter 258A, Code of Iowa.

A report on the role of standards in the protection of Iowa's groundwater, pursuant to Chapter 225, Sec. 105.5, 1987 Acts of the Seventy-second General Assembly.

#### DEPARTMENT OF TRANSPORTATION

The 1988 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12, Code of Iowa.

The Annual Report from July 1, 1987 - June 30, 1988, pursuant to Chapter 310.36, Code of Iowa.

#### IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The annual report, pursuant to Chapter 97B.2, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 1 Education**

Establishing a student loan assistance program for members of the Iowa national guard to be administered by the college aid commission and making an appropriation.

**H.S.B. 2 Education**

Permitting instruction in American sign language as a foreign language and its use as a medium of instruction in both public and non-public schools.

**H.S.B. 3 Judiciary and Law Enforcement**

Requiring the appointment of an interpreter for a hearing impaired person impaneled for jury duty.

**H.S.B. 4 Judiciary and Law Enforcement**

Relating to the crime of sexual exploitation of children, and providing a penalty.

**H.S.B. 5 Judiciary and Law Enforcement**

Relating to board of parole interviews of certain inmates regarding their prospects for parole and work release.

**H.S.B. 6 Judiciary and Law Enforcement**

Relating to the commencement in the district court of certain civil rights actions involving administrative closures.

**H.S.B. 7 Judiciary and Law Enforcement**

Establishing the crime of fourth degree sexual abuse by certain state, county, and municipal employees, officers, and agents, and making penalties applicable.

**H.S.B. 8 Judiciary and Law Enforcement**

Relating to the inspection of a body by the state medical examiner or a county medical examiner prior to cremation of the body, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

**H.S.B. 9 Judiciary and Law Enforcement**

Providing a penalty for violation of a hearing impaired person's right to an interpreter upon detention or arrest.

**H.S.B. 10 Judiciary and Law Enforcement**

Relating to the collection and compilation of information regarding juvenile court activities.

**H.S.B. 11 Judiciary and Law Enforcement**

Establishing scheduled violations relating to the regulation of open

containers and public consumption of alcoholic beverages, and providing penalties.

**H.S.B. 12 Judiciary and Law Enforcement**

Relating to the crime victim reparation program and providing for the Act's applicability.

**H.S.B. 13 Judiciary and Law Enforcement**

Relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

**H.S.B. 14 Judiciary and Law Enforcement**

Relating to the authority to appoint and remove juvenile court referees.

**H.S.B. 15 Natural Resources and Outdoor Recreation**

Providing property tax exemptions for lands dedicated as preserves.

**H.S.B. 16 Natural Resources and Outdoor Recreation**

Increasing selected fishing and hunting license and stamp fees, providing an effective date, and providing for the Act's applicability.

**H.S.B. 17 Natural Resources and Outdoor Recreation**

Providing for nonresident hunting licenses for deer and wild turkey.

**H.S.B. 18 Economic Development**

Providing new jobs tax credits to insurance companies and nonprofit health service corporations which enter into training agreements under chapter 280B.

**H.S.B. 19 Economic Development**

To repeal the Iowa export trading company Act.

**H.S.B. 20 Labor and Industrial Relations**

Relating to workers' compensation coverage for participants in work and training programs and unemployed parent-community work experience programs.

**H.S.B. 21 Education**

Relating to development of a middle school endorsement for teachers for grades four through nine.

**H.S.B. 22 Local Government**

Relating to the notification of the city development board of public hearings for proposed urban revitalization plans.

**H.S.B. 23 Judiciary and Law Enforcement**

Relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

**H.S.B. 24 Labor and Industrial Relations**

Establishing an employment rights information and referral service in the division of labor services of the department of employment services.

**H.S.B. 25 Education**

Relating to the election of the president of the state board of education.

**H.S.B. 26 Education**

Relating to payment of costs of asbestos identification and removal or encapsulation by boards of directors of school districts.

SUBCOMMITTEE ASSIGNMENTS

**House File 6**

Natural Resources and Outdoor Recreation: May, Chair; Gruhn and McKean.

**House File 15**

Natural Resources and Outdoor Recreation: Jay, Chair; Gruhn and Tyrrell.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON RULES AND ADMINISTRATION

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

Fiscal Note is not required.

Recommended **Do Pass** January 10, 1989.

**Senate Concurrent Resolution 2**, a concurrent resolution relating to joint rules of the senate and house for the seventy-third general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 10, 1989.

### RESOLUTION FILED

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

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

### AMENDMENT FILED

H-3001	S.C.R.	2	Van Maanen of Mahaska Halvorson of Webster
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On motion by Arnould of Scott, the House adjourned at 7:04 p.m., until 9:00 a.m., Wednesday, January 11, 1989.

# JOURNAL OF THE HOUSE

Third Calendar Day — Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 11, 1989

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

Prayer was offered by Alfred Edwards, House Doorkeeper.

The Journal of Tuesday, January 10, 1989 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 1**, by Sherzan, 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 referred to committee on **labor and industrial relations**.

**House File 16**, by Hermann, a bill for an act exempting amounts received from certain pensions and as retirement and disability benefits from the state individual income tax and providing a retroactive applicability date.

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

**House File 17**, by Sherzan, a bill for an act relating to minimum wage requirements.

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

**House File 18**, by Stromer, a bill for an act relating to the possession and delivery of alcoholic liquor, wine, or beer by a person under legal age.

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

**House File 19**, by Hermann, a bill for an act relating to the number of members in the senate and house of representatives, providing for a reduction in the number commencing with the seventy-fifth general assembly, and directing that reapportionment procedures be conducted accordingly.

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

**House File 20**, by Peterson of Carroll, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation.

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 January 9, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a resolution relating to a joint convention, Wednesday, January 11, 1989, 10:00 a.m.. Chief Justice McGiverin to present his message of the condition of the judicial department.

JOHN F. DWYER, Secretary

#### ADOPTION OF THE REPORT OF THE COMMITTEE ON MILEAGE

Harper of Black Hawk called up for consideration the report of the committee on mileage, found on pages 18 through 20 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

#### RULE 31.8 SUSPENDED

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

#### 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 the Senate in joint convention.

The motion prevailed and the Speaker appointed as such committee Poncy of Wapello, Renaud of Polk and Clark of Cerro Gordo.

The House stood at ease at 9:34 a.m., until the fall of the gavel.

The House resumed session at 9:41 a.m., Speaker Avenson in the chair.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello, chair of the committee appointed to notify the Senate that the House was ready to receive the Senate 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 9:42 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 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 Vande Hoef of Osceola, on the part of the Senate; and Representatives Wise of Lee and Trent of Muscatine, 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 Arthur A. McGiverin that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Mann of Polk, Doyle of Woodbury and Hagerla of Des Moines, on the part of the Senate; and Representatives Hibbard of Madison, Beatty of Warren and Halvorson of Clayton, on the part of the House.

The joint convention stood at ease at 9:44 a.m., until the fall of the gavel.

The joint convention resumed session at 9:50 a.m., President Zimmerman presiding.

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

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

The Justices of the Supreme Court were escorted into the House chamber.

The Chief Judge and Judges of the Appellate Court and the Chief Judges of the eight Iowa Judicial Districts were escorted into the House chamber.

Mrs. Joan McGiverin, Paul McGiverin, brother of the Chief Justice, and Betty Smith were escorted into the House chamber.

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

President Zimmerman presented Chief Justice Arthur A. McGiverin who delivered the following Condition of the Judicial Department message:

Madam President, Mr. Speaker, Governor, Senators, Representatives, State Officials, Justices, Judges, my fellow Iowans:

It is my privilege to accept the invitation of the General Assembly to report to you and to the citizens of Iowa on the condition of the Iowa judiciary. The purpose of this message is to inform Iowans about the state of the court system and to provide you, the leaders of our state government, with information which will assist you in discharging your responsibilities for providing resources and approving legislation for the effective operation of our court system. In this endeavor, there is a necessary partnership between us.

Last year, we Iowans celebrated the 150-year anniversary of our territorial government. The judicial branch commemorated this anniversary looking back upon 150 years of justice — 150 years of leading the nation in protecting the rights of our citizens. Let us briefly consider some of these decisions:

- In 1839, 24 years before the signing of the Emancipation Proclamation, the Iowa Supreme Court, in its first case, determined that freedom in this state extended to everyone and when a slave was brought here that person thereby became free;

- In 1868, the court ruled that a child could not be refused admission to a common school "because of his or her color, nationality, religion or the like";
- In 1869, our court became the first in the nation to admit a woman to the practice of law; and
- In 1873, the court ruled that racial discrimination in public accommodations violated the constitutional right to equal protection of the laws.

There also have been many other hallmarks of justice in Iowa over the years that are too numerous to mention.

The celebration of this anniversary is behind us now, but not forgotten. Today, we must look ahead to the next century and chart a course for the future of justice and our justice system.

I would like to take this opportunity to highlight some issues which we face today and which will continue to challenge us in the future. Some of the issues involve protecting our children, reducing delays in processing cases through our courts and managing our courts more efficiently.

Protecting and enforcing the rights of individuals are the most important functions of our court system. Of all the individuals involved in court proceedings, none are more important than our children. Because they represent our future, the law has a tradition of zealously guarding and protecting children's interests.

Sadly, more and more children are entering the court system as victims of abuse and neglect, or as delinquents. Recent figures are alarming. The number of juvenile petitions filed in 1988 jumped nine percent.

The increase in juvenile hearings is even more dramatic. Since the juvenile code was revised in 1978, the number of juvenile hearings has increased almost 200 percent.

Because of these increases, judges, juvenile court officers and other professionals have less and less time to spend on each child's case. More resources need to be directed toward the juvenile court system so that children involved in juvenile proceedings receive more attention.

We recommend the addition of more juvenile court officers and juvenile court staff. Juvenile court officers assist the court by investigating cases, reporting their findings to the court, and keeping track of children who are under the supervision of the court. In essence, a juvenile court officer acts as another set of eyes and ears for the court.

Some children involved in juvenile court proceedings in two judicial districts receive special attention because of our Court Appointed Special Advocate program, also known as CASA. A CASA is a volunteer who freely gives the time and energy necessary to become the trained advocate for an abused or neglected child. Because the CASA volunteer's case load is very limited compared to the case load of lawyers and social service workers involved in these juvenile cases, the CASA volunteer can furnish the court with extra insight into how a foster placement or other special custodial arrangement is working.

The CASA program has been operating since 1986. Last year the National Center for State Courts favorably evaluated Iowa's CASA program. We recommend that this program be expanded to more communities so that troubled children across the state can be helped in this special way.

In another area of the law, the interests of children unfortunately have sometimes been outweighed by the economic interests of others. I am speaking about children who are the subject of support orders. The inadequacy of child support, ordered and collected, has been cited as one of the significant factors in contributing to the rising number of children living in poverty.

In Iowa, the enforcement of support orders, always a matter of high priority, has improved greatly over the last two decades. However, inadequacy of some support orders and the absence of systematic updating procedures for child support awards, remain to be addressed.

In response to concerns raised about this issue, the Supreme Court recently established a task force to explore child support guidelines and explore procedures for modifying support awards. The task force is currently studying methods for expediting the setting of child support orders and may complete this work in time for you to consider it yet this session.

Recently passed federal legislation, which seeks to strengthen child support enforcement, will undoubtedly increase the workload of the court system. Beginning in 1993, all support orders in cases involving Aid for Dependent Children must be reviewed every three years. The bill also requires that child support guidelines be reviewed every four years and be properly applied by the courts. We expect that our task force will have recommendations to help Iowa reasonably comply with these requirements.

Last session, the legislature returned the responsibility of child support collections to the Clerks of District Court and mandated that the system be automated by July 1, 1990. We are complying with that legislation. The resources needed to complete the task are set forth in the judicial department's budget request for fiscal year 1990.

Another area of great concern is the status of our court dockets. The case load has increased substantially since I left the District Court trial bench in 1978. That year there were over 74,000 civil and criminal cases filed in the District Court. Last year, we had almost 98,000 filings. That is about a thirty-one percent jump in filings in the ten-year period. We have experienced this increase even though the population of Iowa decreased three percent during the same period.

In 1988, nearly every type of case filing at the trial court level increased. Although the number of civil cases decreased about three percent last year, criminal cases rose more than ten percent. Small claims, simple misdemeanors and probate matters have all increased during 1988. And, as I indicated earlier, there were a record number of juvenile matters requiring the attention of the courts last year.

The increase in filings, coupled with limited resources, has resulted in delays in some areas of the state in processing cases. Our judicial system was designed to provide citizens with prompt, inexpensive and fair resolution of disputes. But so long as our courts are unable to protect or enforce people's rights because of delay, we cannot say people have proper access to justice.

Even though the Iowa courts process cases much quicker than many states, delays do exist and we are burdened with the overall public perception that our courts are too slow. Delays must be eliminated to restore the public's confidence in the fairness and the utility of our court system.

Additional judges and support staff would have a positive effect on reducing backlogs and delay. We recommend that the legislature fully implement the statutory judgeship formula. The formula, which gives equal weight to population and filings, was revised in 1986. Under present application of the formula, 105 District Court judges are authorized. However, the actual number is statutorily limited to 100.

In addition to the District Court judgeships, we also recommend funding for three more District Associate judges — one position that is required by the statutory formula and two in substitution for six part-time Magistrate positions. Although District Associate judges have limited jurisdiction, they handle the bulk of the indictable criminal cases in Iowa. Many of them also handle juvenile cases.

The judicial system also relies on many other people who help process cases. Some of our Clerk of Court offices are as much as two weeks behind in their filings and we recommend additional staff for these offices.

The burden on our system has also been felt at the Appellate level. When I was appointed to the Supreme Court in 1978, there were 1,490 filings; in 1988, there were 1,900 filings which was an increase of 28 percent. We are disposing of more cases each year. However, at the same time, the number of pending Appellate cases has increased greatly.

This increase has dramatically affected the workload of our Court of Appeals. We are currently studying this problem and in the near future you can expect some proposals which should help move cases through the Appellate Courts much more quickly.

At this point, I want to mention three matters which I raised with you last year. First, I want to thank all of you for your efforts in improving the level of judicial compensation. The quality of our justice hinges on the quality of our judges. Fair compensation helps to attract the best qualified persons to the bench and to retain our best judges. We strongly urge that you continue to support the salary increases recommended by the Iowa State Bar Association Commission on Judicial Compensation and approve their suggested levels for the next fiscal year.

Secondly, we requested last year that you repeal the statutory cap on the salaries of our Clerks of Court and their Deputies. Because of the cap, comparable worth cannot be implemented for many Clerks and Deputies. This cap needs to be removed so that the compensation of Clerks and their Deputies is determined in the same manner as all other state employees.

Last year I also spoke with you about the Iowa Court Information System, which we call ICIS. An effective information system is an essential tool for planning and implementing a case delay reduction program. For a well functioning court system, the court must monitor its performance and determine the degree of improvement attained or needed. A full automation of communications is a must for an efficient and accountable court system.

As many of you know, the Judicial Department has developed a master plan for an automated court information system that would meet the statewide needs of our courts. This system will benefit our state:

- By facilitating the prompt processing of cases;
- By enabling fast and accurate production and retrieval of statistical and management information;
- By providing for automation of personnel and financial information within the department;
- By reducing our reliance on labor intensive manual procedures; and
- By increasing the recovery of uncollected court costs, fines and surcharges.

Currently the state is paying for the use of twenty different county computer systems in court operations. These systems are costly and inefficient. Because they vary from county to county, their usefulness is extremely limited. Once the ICIS project is complete, it will cost no more to maintain in all 99 counties than the amount we now pay for limited computer service in only a few counties.

We have already begun implementing the plan for an automated court system, and this next fiscal year is a critical one for that project.

I have discussed some of the issues we face today and some of the issues we must tackle if we are to move Iowa's court system into the twenty-first century. We must take steps to protect and enforce the rights of our children, to reduce unnecessary delays in processing cases, and to manage our courts more efficiently. These are some of our greatest challenges.

So what is the state of the Iowa Judiciary?

The state of the Judiciary in Iowa is best reflected in the hard working people of our court system. Our people are asked everyday to respond to the needs of Iowans — to protect and enforce our rights. And they do it! They deserve our thanks and more importantly, they deserve our help.

Let us make a commitment to work together to provide that help and to prepare for the future of justice in Iowa.

Thank you.

Chief Justice Arthur A. McGiverin 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 10:20 a.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 10:22 a.m., until 3:15 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 3:21 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., 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 2 and House Resolution 2.

## SPECIAL PRESENTATION

Doderer of Johnson presented to the House Congressman Dave Nagle, United States Representative from Iowa's Third District.

The House rose and expressed its welcome.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Teaford of Black Hawk called up for consideration **Senate Concurrent Resolution 2**, a concurrent resolution relating to joint rules of the senate and house for the seventy-third general assembly as follows:

- 1 Senate Concurrent Resolution 2  
 2 By Rules and Administration Committee  
 3 A concurrent resolution relating to joint rules  
 4 of the senate and house for the ~~seventy-second~~  
 5 seventy-third 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~~ seventy-third general assembly shall  
 9 be:
- 10 JOINT RULES OF THE  
 11 SENATE AND HOUSE  
 12 Rule 1  
 13 Suspension of Joint Rules  
 14 The joint rules of the general assembly may be  
 15 suspended by concurrent resolution, duly adopted by a  
 16 constitutional majority of the senate and the house.  
 17 Rule 2  
 18 Designation of Sessions  
 19 Each regular session of a general assembly shall be  
 20 designated by the year in which such regular session  
 21 commences.  
 22 Rule 3  
 23 Sessions of a General Assembly  
 24 The election of officers, organization, hiring and

25 compensation of employees, and standing committees in  
26 each house of the general assembly and action taken by  
27 each house shall carry over from the first to the  
28 second regular session and to any extraordinary  
29 session of the same general assembly. The status of  
30 each bill and resolution shall be the same at the

**Page 2**

1 beginning of each second session as it was immediately  
2 before adjournment of the previous regular or  
3 extraordinary session; however the rules of either  
4 house may provide for re-referral of some or all bills  
5 and resolutions to standing committees upon  
6 adjournment of each session or at the beginning of a  
7 subsequent regular or extraordinary session, except  
8 those which have been adopted by both houses in  
9 different forms.

10 Upon final adoption of a concurrent resolution at  
11 any extraordinary session affecting that session, or  
12 at a regular session affecting any extraordinary  
13 session which may be held before the next regular  
14 session, the creation of any calendar by either house  
15 shall be suspended and the business of the session  
16 shall consist solely of those bills or subject matters  
17 stated in the resolution adopted. Bills named in the  
18 resolution, or bills containing the subject matter  
19 provided for in the resolution, may, at any time, be  
20 called up for debate in either house by the majority  
21 leader of that house.

22 **Rule 4**

23 **Presentation of Messages**

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  
27 communicated to the chair.

28

29

**Rule 5**

30 **Printing and Form of Bills**

**Page 3**

1 **and Other Documents**

2 Bills and joint resolutions shall be introduced,  
3 numbered, prepared, and printed as provided by law, or  
4 in the absence of such law, in a manner determined by  
5 the secretary of the senate and the chief clerk of the  
6 house of representatives.

7 All bills and joint resolutions introduced shall be  
8 in a form and number approved by the secretary of the  
9 senate and chief clerk of the house.

10 The legal counsel's office of each house shall  
11 approve all bills before introduction.

12

## Rule 6

13

## Companion Bills

14

Identical bills introduced in each house shall be called companion bills. Each house shall designate the sponsor in the usual way followed in parentheses by the sponsor of the companion bill in the other house. The house where the bill is first introduced shall print the complete text.

19

## Rule 7

20

## Reprinting of Bills

21

Whenever any bill has been substantially amended by either house, the secretary of the senate or the chief clerk shall order the bill reprinted on paper of a different color. All adopted amendments shall be distinguishable.

26

The secretary of the senate or the chief clerk may order the printing of a reasonable number of additional copies of any bill, resolution, amendment, or journal.

**Page 4**

1

## Rule 8

2

## Daily Clip Sheet

3

The secretary of the senate and the chief clerk shall prepare a daily clip sheet covering all amendments filed.

5

6

## Rule 9

7

## Reintroduction of Bills and Other Measures

8

A bill or resolution which has passed one house and is rejected in the other shall not be introduced again during that general assembly.

10

11

## Rule 10

12

## Certification of Bills and Other Enrollments

13

When any bill or resolution which has passed one house is rejected or adopted in the other, notice of such action and the date thereof shall be given to the house of origin in writing signed by the secretary or the chief clerk.

16

17

## Rule 11

18

## Code Editor's Correction Bill

19

A bill recommended by the code editor which is introduced by a committee of the house or senate within the first four weeks of convening of a legislative session and which contains code corrections of a nonsubstantive nature shall not be amended on the floor of either house except pursuant to corrective or nonsubstantive amendments filed by the judiciary committee of the senate or the judiciary and law enforcement committee of the house. Such committee amendments shall not be incorporated into the bill in the originating house but shall be filed

30

**Page 5**

1 separately.

2 A bill recommended by the code editor which is  
 3 introduced by a committee of the house or senate  
 4 within the first four weeks of convening of a  
 5 legislative session and which contains code  
 6 corrections beyond those of a nonsubstantive nature  
 7 shall not be amended on the floor of either house  
 8 except pursuant to amendments filed by the judiciary  
 9 committee of the senate or the judiciary and law  
 10 enforcement committee of the house. Such committee  
 11 amendments shall not be incorporated into the bill in  
 12 the originating house but shall be filed separately.  
 13 Such a bill shall be limited to corrections which:  
 14 Adjust language to reflect current practices, insert  
 15 earlier omissions, delete redundancies and  
 16 inaccuracies, delete temporary language, resolve  
 17 inconsistencies and conflicts, update ongoing  
 18 provisions, and remove ambiguities.

**Rule 12****Amendments by Other House**

21 I. When a bill which originated in one house is  
 22 amended in the other house, the house originating the  
 23 bill may amend the amendment, concur in full in the  
 24 amendment, or refuse to concur in full in the  
 25 amendment. Such amendments The amendment of the other  
 26 house shall not be ruled out of order based on a  
 27 question of germaneness. Precedence of motions shall  
 28 be in that order.

29 A. If the house originating the bill concurs in  
 30 the amendment, the bill shall then be immediately

**Page 6**

1 placed upon its final passage.

2 B. If the house originating the bill refuses to  
 3 concur in the amendment, the bill shall be returned to  
 4 the amending house which shall either:

5 1. Recede, after which the bill shall be read for  
 6 the last time and immediately placed upon its final  
 7 passage; or

8 2. Insist, which will send the bill to a  
 9 conference committee.

10 C. If the house originating the bill amends the  
 11 amendment, that house shall concur in the amendment as  
 12 amended and the bill shall be immediately placed on  
 13 final passage, and shall be returned to the other  
 14 house. The other house cannot further amend the bill.

15 1. If the amending house which gave second  
 16 consideration to the bill concurs in the amendment to  
 17 the amendment, the bill shall then be immediately  
 18 placed upon its final passage.

- 19 2. If the amending house refuses to concur in the  
20 amendment to the amendment, the bill shall be returned  
21 to the house originating the bill which shall either:  
22 a. Recede, after which the bill shall be read for  
23 the last time as amended and immediately placed upon  
24 its final passage; or  
25 b. Insist, which will send the bill to a  
26 conference committee.
- 27 II. A motion to recede has precedence over a  
28 motion to insist. Failure to recede means to insist;  
29 and failure to insist means to recede.
- 30 III. A motion to lay on the table or to

**Page 7**

- 1 indefinitely postpone shall be out of order with  
2 respect to motions to recede from or insist upon and  
3 to amendments to bills which have passed both houses.
- 4 IV. A motion to concur, refuse to concur, recede,  
5 insist, or adopt a conference committee report is in  
6 order even though the subject matter has previously  
7 been acted upon.

**Rule 13****Conference Committee**

- 8  
9  
10 1. Within one legislative day after either house  
11 insists upon an amendment to a bill, the presiding  
12 officer of the house, after consultation with the  
13 majority leader, shall appoint three majority party  
14 members and, after consultation with the minority  
15 leader, shall appoint two minority party members to a  
16 conference committee. The majority leader of the  
17 senate, after consultation with the president, shall  
18 appoint three majority party members and, after  
19 consultation with and approval by the minority leader,  
20 shall appoint two minority party members to a  
21 conference committee. The papers shall remain with the  
22 house that originated the bill.
- 23 2. The conference committee shall meet before the  
24 end of the next legislative day after their  
25 appointment, shall select a chair and shall discuss  
26 the controversy.
- 27 3. The authority of the committee shall cover free  
28 conference during which the committee has authority to  
29 propose amendments to any portion of a bill provided  
30 the amendment is within the scope of the title of the

**Page 8**

- 1 bill as passed by the house of origin or amended by  
2 the second house.
- 3 4. An agreement on recommendations must be  
4 approved by at least three members from each house.
- 5 The committee shall submit two originals of the report

6 signed by at least three members of each house with  
 7 one signed original and three copies to be submitted  
 8 to each house. The report shall first be acted upon  
 9 in the house originating the bill. Such action,  
 10 including all papers, shall be immediately referred by  
 11 the secretary of the senate or the chief clerk of the  
 12 house of representatives to the other house.

13 5. The report of agreement is debatable, but  
 14 cannot be amended. If the report contains recommended  
 15 amendments to the bill, adoption of the report shall  
 16 automatically adopt all amendments contained therein.  
 17 After the report is adopted, there shall be no more  
 18 debate, and the bill shall immediately be placed upon  
 19 its final passage.

20 6. Refusal of either house to adopt the conference  
 21 committee report has the same effect as if the  
 22 committee had disagreed.

23 7. If the conference committee fails to reach  
 24 agreement, a report of such failure signed by at least  
 25 three members of each house shall be given promptly to  
 26 each house. The bill shall be returned to the house  
 27 that originated the bill, the members of the committee  
 28 shall be immediately discharged, and a new conference  
 29 committee appointed in the same manner as the first  
 30 conference committee.

## Page 9

### 1 Rule 14

#### 2 Enrollment and Authentication of Bills

3 A bill or resolution which has passed both houses  
 4 shall be enrolled in the house of origin under the  
 5 direction of either the secretary or the chief clerk  
 6 and its house of origin shall be certified by the  
 7 endorsement of the secretary or the chief clerk.

8 After enrollment, each bill shall be signed by the  
 9 president and by the speaker.

### 10 Rule 15

#### 11 Concerning other Enrollments

12 All resolutions and other matters which are to be  
 13 presented to the governor for approval shall be  
 14 enrolled, signed, and presented in the same manner as  
 15 bills.

16 All resolutions and other matters which are not to  
 17 be presented to the governor or the secretary of state  
 18 shall be enrolled, signed and retained permanently by  
 19 the secretary of the senate or chief clerk of the  
 20 house.

### 21 Rule 16

#### 22 Transmission of Bills to the Governor

23 After a bill has been signed in each house, it  
 24 shall be presented to the governor by the secretary or

25 the chief clerk of the house of origin. The secretary  
26 or the chief clerk shall report the date of the  
27 presentation, which shall be entered upon the journal  
28 of the house of origin.

29 Rule 17  
30 Fiscal Notes

**Page 10**

1 A fiscal note shall be attached to any bill or  
2 joint resolution which reasonably could have an annual  
3 effect of at least one hundred thousand dollars or a  
4 combined total effect within five years after  
5 enactment of five hundred thousand dollars or more on  
6 the aggregate revenues, expenditures or fiscal  
7 liability of the state or its subdivisions. This rule  
8 does not apply to appropriation and ways and means  
9 measures where the total effect is stated in dollar  
10 amounts.

11 The preliminary determination of whether the bill  
12 appears to require a fiscal note shall be made by the  
13 legislative service bureau which shall send a copy of  
14 the request to the legislative fiscal bureau unless  
15 the requestor specifies the request is to be  
16 confidential. Upon completion of the bill draft, the  
17 legislative service bureau shall immediately send a  
18 copy to the legislative fiscal director for review.  
19 If the legislative fiscal bureau confirms that a  
20 fiscal note is required, the words "FISCAL NOTE  
21 REQUIRED" shall be prominently stamped on the bill  
22 jacket.

23 When a committee reports a bill to the floor, the  
24 committee shall state in the report whether a fiscal  
25 note is or is not required.

26 The fiscal note shall be printed on the bill before  
27 introduction if practicable; and the secretary of the  
28 senate or chief clerk of the house shall attach the  
29 fiscal note to the bill as soon as it is available.

30 The legislative fiscal director shall prepare the

**Page 11**

1 fiscal note within a reasonable time after receiving  
2 the request and necessary information. A copy of the  
3 fiscal note shall be filed by the legislative fiscal  
4 director, for distribution, with the secretary of the  
5 senate or the chief clerk of the house unless within  
6 one legislative day a request for a revised fiscal  
7 note is filed with the legislative fiscal director.  
8 The legislative fiscal director may request the  
9 cooperation of any state department or agency.

10 Each fiscal note shall state in dollars the  
11 estimated effect of the bill on the revenues,

12 expenditures, and fiscal liability of the state during  
 13 the first five years after enactment. The information  
 14 shall specifically note the fiscal impact for the  
 15 first two years following enactment and the  
 16 anticipated impact for the succeeding three years.  
 17 The fiscal note shall specify the source of the  
 18 information. Sources of funds for expenditures under  
 19 the bill shall be stated, including federal funds. If  
 20 the fiscal director cannot make an accurate estimate,  
 21 the director shall state the best available estimate  
 22 or shall state that no dollar estimate can be made and  
 23 state concisely the reason.

24 The fiscal note shall be attached or printed in the  
 25 bill following the explanation or shall be printed in  
 26 the daily clip sheet.

27 A revised fiscal note may be requested by a  
 28 committee chair or a sponsor of the bill if the fiscal  
 29 effect of the bill has been changed by adoption of an  
 30 amendment. However, a request for a revised fiscal

#### Page 12

1 note shall not delay action on a bill unless so  
 2 ordered by the presiding officer of the house in which  
 3 the bill is under consideration.

4 If a date for adjournment has been set, then a  
 5 constitutional majority of the house in which the bill  
 6 is under consideration may waive the fiscal note  
 7 requirement during the three days prior to the date  
 8 set for adjournment.

9 A fiscal note shall be attached to any bill or  
 10 joint resolution which reasonably could have an annual  
 11 effect of at least one hundred thousand dollars or a  
 12 combined total effect within five years after  
 13 enactment of five hundred thousand dollars or more on  
 14 the aggregate revenues, expenditures or fiscal  
 15 liability of the state or its subdivisions. This rule  
 16 does not apply to appropriation and ways and means  
 17 measures where the total effect is stated in dollar  
 18 amounts.

19 Each fiscal note shall state in dollars the  
 20 estimated effect of the bill on the revenues,  
 21 expenditures, and fiscal liability of the state or its  
 22 subdivisions during the first five years after  
 23 enactment. The information shall specifically note  
 24 the fiscal impact for the first two years following  
 25 enactment and the anticipated impact for the  
 26 succeeding three years. The fiscal note shall specify  
 27 the source of the information. Sources of funds for  
 28 expenditures under the bill shall be stated, including  
 29 federal funds. If the fiscal director cannot make an  
 30 accurate estimate, the director shall state the best

**Page 13**

1 available estimate or shall state that no dollar  
2 estimate can be made and state concisely the reason.

3 The preliminary determination of whether the bill  
4 appears to require a fiscal note shall be made by the  
5 legislative service bureau which shall send a copy of  
6 the request to the legislative fiscal bureau unless  
7 the requestor specifies the request is to be  
8 confidential. Upon completion of the bill draft, the  
9 legislative service bureau shall immediately send a  
10 copy to the legislative fiscal director for review.

11 When a committee reports a bill to the floor, the  
12 committee shall state in the report whether a fiscal  
13 note is or is not required.

14 The legislative fiscal director shall review all  
15 bills placed on the senate or house calendars to  
16 determine whether the bills are subject to this rule.

17 Additionally, a legislator may request the  
18 preparation of a fiscal note by legislative fiscal  
19 bureau for any bill or joint resolution introduced  
20 which reasonably could be subject to this rule.

21 The legislative fiscal director shall cause to be  
22 prepared and shall approve a fiscal note within a  
23 reasonable time after receiving a request or  
24 determining that a bill is subject to this rule. All  
25 fiscal notes approved by the legislative fiscal bureau  
26 director shall be transmitted immediately to the  
27 secretary of the senate or the chief clerk of the  
28 house, after notifying the sponsor of the bill that a  
29 fiscal note has been prepared, for publication in the  
30 daily clip sheet. The secretary of the senate or

**Page 14**

1 chief clerk of the house shall attach the fiscal note  
2 to the bill as soon as it is available.

3 The legislative fiscal director may request the  
4 cooperation of any state department or agency in  
5 preparing a fiscal note.

6 A revised fiscal note may be requested by a  
7 legislator if the fiscal effect of the bill has been  
8 changed by adoption of an amendment. However, a  
9 request for a revised fiscal note shall not delay  
10 action on a bill unless so ordered by the presiding  
11 officer of the house in which the bill is under  
12 consideration.

13 If a date for adjournment has been set, then a  
14 constitutional majority of the house in which the bill  
15 is under consideration may waive the fiscal note  
16 requirement during the three days prior to the date  
17 set for adjournment.

18

## Rule 18

19

## Legislative Interns

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Legislators may arrange student internships during the legislative session with Iowa college, university, or law school students, for which the students may receive college credit at the discretion of their schools. Each legislator is allowed only one intern at a time per legislative session, and all interns must be registered with the offices of the secretary of the senate and the chief clerk of the house.

28

The purpose of the legislative intern program shall be: 1) to provide useful staff services to legislators not otherwise provided by the general

**Page 15**

1 assembly; 2) to give interested college, graduate, and law school students practical experience in the legislative process as well as providing a meaningful educational experience; and 3) to enrich the curriculum of participating colleges and universities.

6

The secretary of the senate and the chief clerk of the house or their designees shall have the following responsibilities as regards the legislative intern program:

10

1. Identify a supervising faculty member at each participating institution who shall be responsible for authorizing students to participate in the intern program.

14

2. Provide legislators with a list of participating institutions and the names of supervising professors to contact if interested in arranging for an intern.

18

3. Provide interns with name badges which will allow them access to the floor of either house when required to be present by the legislators for whom they work.

22

4. Provide orientation materials to interns prior to the convening of each session.

24

## Rule 19

25

## Administrative Rules Review Committee Bills

26

A bill which relates to departmental rules and which is approved by the administrative rules review committee by a majority of the committee's members of each house is eligible for introduction in either house at any time and must be referred to a standing

**Page 16**

1 committee, which must take action on the bill within 2 three weeks of referral, except bills referred to 3 appropriations and ways and means committees.

## 4 Rule 20

## 5 Time of Committee Passage and Consideration of Bills

6 1. This rule does not apply to concurrent or  
7 simple resolutions, joint resolutions nullifying  
8 administrative rules, senate confirmations, or bills  
9 passed by both houses in different forms. Subsection  
10 2 of this rule does not apply to appropriations bills,  
11 ways and means bills, legalizing acts, administrative  
12 rules review committee bills, bills cosponsored by  
13 majority and minority floor leaders of one house,  
14 bills in conference committee, and companion bills  
15 sponsored by the majority floor leaders of both houses  
16 after consultation with the respective minority floor  
17 leaders. For the purposes of this rule, a joint  
18 resolution is considered as a bill. To be considered  
19 an appropriations or ways and means bill for the  
20 purposes of this rule, the appropriations committee or  
21 the ways and means committee must either be the  
22 sponsor of the bill or the committee of first referral  
23 in the originating house.

24 2. To be placed on the calendar in the house of  
25 origin, a bill must be first reported out of the  
26 committee of first referral by Friday of the 10th week  
27 of the first session and the 8th week of the second  
28 session. To be placed on the calendar in the other  
29 house, a bill must be first reported out of the  
30 committee of first referral by Friday of the 13th week

**Page 17**

1 of the first session and the 11th week of the second  
2 session.

3 3. During the 11th week of the first session and  
4 the 9th week of the second session, each house shall  
5 consider only bills originating in that house and  
6 unfinished business. During the 14th week of the  
7 first session and the 12th week of the second session,  
8 each house shall consider only bills originating in  
9 the other house and unfinished business. Beginning  
10 with the 15th week of the first session and the 13th  
11 week of the second session, each house shall consider  
12 only bills passed by both houses, bills exempt from  
13 subsection 2 and unfinished business.

14 4. A motion to reconsider filed and not disposed  
15 of on an action taken on a bill or resolution which is  
16 subject to a deadline under this rule may be called up  
17 at any time before or after the day of the deadline by  
18 the person filing the motion or after the deadline by  
19 the majority floor leader, notwithstanding any other  
20 rule to the contrary.

21

## Rule 21

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## Resolutions

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1. A "concurrent resolution" is a resolution to be adopted by both houses of the general assembly which expresses the sentiment of the general assembly or deals with temporary legislative matters. It may authorize the expenditure, for any legislative purpose, of funds appropriated to the general assembly. A concurrent resolution is not limited to, but may provide for a joint convention of the general

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assembly, adjournment or recess of the general assembly, or requests to a state agency or to the general assembly or a committee. A concurrent resolution requires the affirmative vote of a majority of the senators or representatives present and voting unless otherwise specified by statute. A concurrent resolution does not require the governor's approval unless otherwise specified by statute. A concurrent resolution shall be filed with the secretary of the senate or the chief clerk of the house. A concurrent resolution shall be printed in the bound journal after its adoption.

2. A "joint resolution" is a resolution which requires for approval the affirmative vote of a constitutional majority of each house of the general assembly. A joint resolution which appropriates funds or enacts temporary laws must contain the clause "Be It Enacted by the General Assembly of the State of Iowa:", is equivalent to a bill, and must be transmitted to the governor for his approval. A joint resolution which proposes amendments to the Constitution of the State of Iowa, ratifies amendments to the Constitution of the United States, proposes a request to Congress or an agency of the government of the United States of America, proposes to Congress an amendment to the Constitution of the United States of America, nullifies an administrative rule, or creates a special commission or committee must contain the clause "Be It Resolved by the General Assembly of the State of Iowa:" and shall not be transmitted to the

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governor. A joint resolution shall not amend a statute in the Code of Iowa.

## Rule 22

## Nullification Resolutions

A "nullification resolution" is a joint resolution which nullifies all or part of an administrative rule, or a severable item of an administrative rule adopted

8 pursuant to chapter 17A of the Code. A nullification  
9 resolution shall not amend an administrative rule by  
10 adding language or by inserting new language in lieu  
11 of existing language.

12 A nullification resolution is debatable, but cannot  
13 be amended on the floor of the house or senate. The  
14 effective date of a nullification resolution shall be  
15 stated in the resolution. Any motions filed to  
16 reconsider adoption of a nullification resolution must  
17 be disposed of within one legislative day of the  
18 filing.

#### 19 Rule 23

20 Reconsideration Consideration of Vetoes

21 1. The senate and house calendar shall include a  
22 list known as the "Veto Calendar." The veto calendar  
23 shall consist of:

24 a. Bills returned to that house by the governor in  
25 accordance with Article III, section 16 of the  
26 Constitution of the State of Iowa.

27 b. Appropriations items returned to that house by  
28 the governor in accordance with Article III, section  
29 16 of the Constitution of the State of Iowa.

30 c. Bills and appropriations items received from

#### Page 20

1 the other house after that house has voted to override  
2 a veto of them by the governor.

3 2. Vetoes bills and appropriations items shall  
4 automatically be placed on the veto calendar upon  
5 receipt. Vetoes bills and appropriations items shall  
6 not be referred to committee.

7 3. Upon first publication in the veto calendar,  
8 the senate majority leader or the house majority  
9 leader may call up a vetoed bill or appropriations  
10 item at any time.

11 4. The affirmative vote of two-thirds of the  
12 members of the body by record roll call on a motion to  
13 reconsider a vetoed bill or appropriations item  
14 constitutes a vote to override the executive veto or  
15 item veto is required on a motion to override an  
16 executive veto or item veto.

17 5. A motion to reconsider a vetoed bill or  
18 appropriations item override an executive veto or item  
19 veto is debatable. A vetoed bill or appropriation  
20 item cannot be amended in this case.

21 6. The vote by which a motion to reconsider a  
22 vetoed bill or appropriations item override an  
23 executive veto or item veto passes or fails to pass  
24 either house is not subject to reconsideration under  
25 senate rule 24 or house rule 73.

26 7. The secretary of the senate or the chief clerk

27 of the house shall immediately notify the other house  
 28 of the adoption or rejection of a motion to reconsider  
 29 a vetoed bill or appropriations item override an  
 30 executive veto or item veto.

**Page 21**

1 8. All bills and appropriations items on the veto  
 2 calendar shall be disposed of before adjournment sine  
 3 die, unless the house having a bill or appropriation  
 4 item before it declines to do so by unanimous consent.  
 5 9. Bills and appropriations items on the veto  
 6 calendar are exempt from deadlines imposed by joint  
 7 rule 20.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Shearer of Louisa on request of Dvorsky of Johnson; Siegrist of Pottawattamie on request of Petersen of Muscatine, both for the remainder of the day.

Van Maanen of Mahaska offered the following amendment H—3001 filed by him and Halvorson of Webster and moved its adoption:

H—3001

1 Amend Senate Concurrent Resolution 2 as follows:  
 2 1. By striking page 7, line 27 through page 8,  
 3 line 2 and inserting the following:  
 4 "3. The authority of the committee shall cover  
 5 only issues related to provisions of the bill and  
 6 amendments to the bill which were adopted by either  
 7 the senate or the house of representatives and on  
 8 which the senate and house of representatives  
 9 differed."

Roll call was requested by Stromer of Hancock and Tabor of Jackson.

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

The ayes were, 44:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Johnson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Osterberg	Pellett	Petersen, D. F.	Plasier

Renken	Rosenberg	Royer	Schnekloth
Shoning	Spear	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 3:

Hatch	Shearer	Siegrist
-------	---------	----------

Amendment H—3001 lost.

Corbett of Linn offered the following amendment H—3004 filed by him from the floor and moved its adoption:

H—3004

- 1 Amend Senate Concurrent Resolution 2, as passed by
- 2 the Senate, as follows:
- 3 1. Page 8, line 13, by inserting before the word
- 4 "The" the following: "The report of agreement cannot
- 5 be debated until one hour after the report has been
- 6 distributed to the members of the house considering
- 7 the report."

Amendment H—3004 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hatch of Polk, for the remainder of the day, on request of Connors of Polk.

Carpenter of Polk offered the following amendment H—3002 filed by her from the floor and moved its adoption:

H—3002

- 1 Amend Senate Concurrent Resolution 2, as passed by
- 2 the Senate, as follows:
- 3 1. Page 14, by striking lines 8 through 12 and

4 inserting the following: "changed by adoption of an  
 5 amendment. If the amendment reasonably could have an  
 6 annual effect of at least one hundred thousand dollars  
 7 or a combined total effect within five years after  
 8 enactment of five hundred thousand dollars or more on  
 9 the aggregate revenues, expenditures or fiscal  
 10 liability of the state or its subdivisions, final  
 11 action shall not be taken on the bill until a fiscal  
 12 note has been prepared and distributed to the house in  
 13 which the bill is under consideration."

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

On the question "Shall amendment H-3002 be adopted?"  
 (S.C.R. 2)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Royer
Schneklath	Shoning	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hibbard	Holveck	Jay
Jesse	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker Avenson			

Absent or not voting, 7:

Hanson, D. R.	Hatch	Haverland	Jochum
Renken	Shearer	Siegrist	

Amendment H-3002 lost.

Teaford of Black Hawk moved the adoption of Senate Concurrent Resolution 2.

A non-record roll call was requested.

The ayes were 68, nays 17.

The resolution was adopted.

**SPONSORS ADDED  
(House File 17)**

The following members requested to be added as sponsors of House File 17:

JOCHUM of Dubuque  
BISIGNANO of Polk

DVORSKY of Johson  
OSTERBERG of Linn  
BUHR of Polk

**PRESENTATION OF VISITORS**

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

Ten juniors and seniors from St. Edmonds High School, Ft. Dodge.  
By Halvorson of Webster.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

University of Iowa

Recommending continued funding of the Iowa Agricultural Health and Safety Service Pilot Program.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 27 Economic Development**

Relating to the financing for the community and rural development loan program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

**H.S.B. 28 Human Resources**

Relating to third-party liability for amounts paid under the medical assistance program on behalf of injured recipients.

**H.S.B. 29 Human Resources**

Relating to assisting the department of human services in dependent adult abuse investigations.

**H.S.B. 30 Human Resources**

To establish a pharmaceutical assistance to the aged program in the department of elder affairs and providing a penalty.

**H.S.B. 31 Human Resources**

Relating to the continued existence of the division of children, youth and families in the department of human rights, and providing an effective date.

**H.S.B. 32 Human Resources**

Relating to medical assistance eligibility of certain recipients of federal Medicare and providing an effective date.

**H.S.B. 33 Human Resources**

Relating to the reporting of terminations of pregnancy and making penalties applicable.

**H.S.B. 34 Human Resources**

Relating to a mandatory assignment of unemployment benefits by the child support recovery unit.

**H.S.B. 35 Human Resources**

To provide for county participation in medical assistance payments for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility.

**H.S.B. 36 Human Resources**

Relating to restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons.

**H.S.B. 37 Human Resources**

Relating to the reporting of the occurrence of selected illnesses and injuries to the Iowa department of public health.

**H.S.B. 38 Human Resources**

Relating to the regulation of sources of nonionizing radiation and the registration of tanning facilities and providing penalties.

**H.S.B. 39 Human Resources**

Relating to the substance abuse law.

**H.S.B. 40 Human Resources**

Relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aid program.

**H.S.B. 41 Human Resources**

Relating to the regulation of major medical equipment.

**H.S.B. 42 Human Resources**

Providing for extension of the filing periods for death certificates and medical certifications, shortening the period for notifications of death, and deleting the penalty for transporting or accepting for disposition of a dead body without a permit.

**H.S.B. 43 Human Resources**

Relating to the membership of the long-term care coordinating unit within the department of elder affairs.

**H.S.B. 44 Human Resources**

Establishing an integrated case management program and making an appropriation.

**H.S.B. 45 Human Resources**

Relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

**H.S.B. 46 Natural Resources and Outdoor Recreation**

Relating to eligibility for RISE funding for state park and county conservation parkway system roads.

**H.S.B. 47 Natural Resources and Outdoor Recreation**

To increase the fee for the wildlife habitat stamp.

**H.S.B. 48 Natural Resources and Outdoor Recreation**

Authorizing the county conservation board to charge certain county park fees.

**H.S.B. 49 Natural Resources and Outdoor Recreation**

To limit operation of motor vehicles in streambeds and providing a penalty.

**H.S.B. 50 Natural Resources and Outdoor Recreation**

Relating to the approval of the natural resource commission of county conservation board acquisitions or developments.

**H.S.B. 51 Natural Resources and Outdoor Recreation**

Relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees.

**H.S.B. 52 Economic Development**

Providing for a percentage of lottery revenues to be appropriated for programs that benefit Iowa's elderly and developmentally disabled population.

**H.S.B. 53 Energy and Environmental Protection**

Relating to the protection of meandered streams and sovereign lakes, and subjecting violators to an existing penalty.

## SUBCOMMITTEE ASSIGNMENTS

**House File 1**

Energy and Environmental Protection: Hatch, Chair; Adams, Hanson of Delaware, Lundby, Osterberg, Shoultz and Trent.

**House File 2**

Transportation: Koenigs, Chair; Harbor and Jay.

**House File 3**

Transportation: Jay, Chair; Beaman and Renaud.

**House File 4**

Education: Cohoon, Chair; Kistler and Nielsen.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 1**

Education: Adams, Chair; Brand and Daggett.

**House Study Bill 2**

Education: Harper, Chair; Beaman and Haverland.

**House Study Bill 15**

Natural Resources and Outdoor Recreation: Jay, Chair; Diemer and Osterberg.

**House Study Bill 16**

Natural Resources and Outdoor Recreation: Schrader, Chair; Stueland, Swartz, Tabor and Tyrrell.

**House Study Bill 17**

Natural Resources and Outdoor Recreation: Black, Chair; Eddie and Koenigs.

**House Study Bill 21**

Education: Spear, Chair; Kistler and Nielsen.

**House Study Bill 22**

Local Government: Spear, Chair; Shearer and Spenner.

**AMENDMENTS FILED**

H-3005	H.R.	2	Tyrrell of Iowa
H-3006	H.R.	2	Tyrrell of Iowa
H-3007	H.R.	2	Metcalf of Polk
H-3008	H.R.	2	Halvorson of Clayton Harbor of Mills
H-3009	H.R.	2	Harbor of Mills Halvorson of Clayton
H-3010	H.R.	2	Metcalf of Polk
H-3011	H.R.	2	Corbett of Linn
H-3012	H.R.	2	Corbett of Linn
H-3013	H.R.	2	Osterberg of Linn Hanson of Delaware
H-3014	H.R.	2	Schrader of Marion
H-3015	H.R.	2	Doderer of Johnson Tabor of Jackson Buhr of Polk Groninga of Cerro Gordo
H-3016	H.R.	2	Metcalf of Polk
H-3017	H.R.	2	Hermann of Scott
H-3018	H.R.	2	Stromer of Hancock
H-3019	H.R.	2	Corbett of Linn
H-3020	H.R.	2	McKean of Jones
H-3021	H.R.	2	Schnekloth of Scott
H-3022	H.R.	2	Hester of Pottawattamie
H-3023	H.R.	2	Harbor of Mills
H-3024	H.R.	2	Trent of Muscatine
H-3025	H.R.	2	McKean of Jones
H-3026	H.R.	2	Petersen of Muscatine
H-3027	H.R.	2	Corbett of Linn
H-3028	H.R.	2	Schnekloth of Scott Garman of Story
H-3029	H.R.	2	Trent of Muscatine

H-3030	H.R.	2	Miller of Cherokee
H-3031	H.R.	2	Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 5:46 p.m., until 9:00 a.m., Thursday, January 12, 1989.

# JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 12, 1989

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

Prayer was offered by Bettie Wentz, House Secretary to Representative Roger Halvorson.

The Journal of Wednesday, January 11, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peters of Woodbury on request of Wise of Lee; Peterson of Carroll on request of Svoboda of Tama; Renken of Grundy on request of Hanson of Delaware; Shearer of Louisa on request of Dvorsky of Johnson; and Haverland of Polk on request of Ollie of Clinton.

## INTRODUCTION OF BILLS

**House File 21**, by Sherzan, a bill for an act relating to the employment of inmates and prisoners.

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

**House File 22**, by Osterberg, a bill for an act providing for the issuance of special Pearl Harbor registration plates and providing an effective date.

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

**House File 23**, by Kremer, a bill for an act providing for a percentage of lottery revenues collected in each city and county of the state to be returned to the city and county to be used for any purpose.

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

**House File 24**, by Clark, a bill for an act relating to the liability of a sports official and providing an effective date and an applicability provision.

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

**House File 25**, by Clark, a bill for an act relating to the licensure and inspection of limited food service establishments and establishing fees.

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

**House File 26**, by Van Maanen a bill for an act limiting the criminal and civil liability of certain persons who are responsible for the treatment and care of the mentally ill.

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

**House File 27**, by Rosenberg, a bill for an act relating to the regulation of alternate operator services and providing penalties.

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

**House File 28**, by Osterberg and Bisignano, a bill for an act relating to the penalty imposed for discarding any litter or debris onto or in any land or water of this state.

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

**House File 29**, by Poncy, Jochum and Peters, a bill for an act relating to the recovery of unemployment compensation overpayments.

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

**House File 30**, by Harbor and Royer, a bill for an act relating to geographical balance in the appointment of members of state boards, commissions, committees, and councils, and legislative standing and interim study committees.

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

**House File 31**, by Hester, a bill for an act allowing a person who has been issued a valid motor vehicle license from another state to be issued an operator's license in Iowa without first completing an approved driver education course or motorcycle education course under certain circumstances.

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

### PRESENTATION OF MISS IOWA FOR 1989

Harbor of Mills presented to the House Marcy Requist, Miss Iowa for 1989 from Red Oak, Iowa.

Marcy, who is the daughter of Marvin and Barb Requist, will represent Iowa in the Miss USA Pageant in Mobile, Alabama on February 28. She is a graduate of the North America Travel Academy in Omaha, Nebraska and hopes to pursue a career in the travel industry. Marcy was accompanied by Mrs. Leigh Ramig, 1984 Mrs. Iowa.

The House rose and expressed its welcome.

### PRESENTATION OF IOWA'S JUNIOR MISS FOR 1989

Dvorsky of Johnson presented to the House Marilyn Bordwell, 1989 Iowa Junior Miss.

Marilyn, who is from Washington, Iowa, attends Washington High School where she is active as a class officer, member of the Student Council, National Honor Society and choir as well as owns and operates a dance center teaching approximately 125 students. She is the daughter of Richard and Virginia Bordwell and plans to have a career in communications/fine and performing arts. Marilyn will represent Iowa in Mobile, Alabama for the National Junior Miss.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:22 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:

Maulsby of Calhoun on request of Bennett of Ida; Connolly of Dubuque on request of Knapp of Dubuque; Harbor of Mills on request of Halvorson of Clayton; Stueland of Clinton on request of Miller of Cherokee; Fuller of Hardin on request of Muhlbauer of Crawford; Blanshan of Greene on request of Hansen of Woodbury, all for the remainder of the day.

### 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 12, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to compensation of chaplains, officers and employees of the seventy-third general assembly.

JOHN F. DWYER, Secretary

## SENATE MESSAGE CONSIDERED

**Senate Concurrent Resolution 3**, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-third general assembly.

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

## CONSIDERATION OF HOUSE RESOLUTION 2

Teaford of Black Hawk called up for consideration House Resolution 2, a resolution relating to permanent rules of the House for the seventy-third general assembly, 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~~ third general assembly.

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

6 That the permanent rules of the House for the seventy-

7 ~~second~~ third 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.

5

## Rule 16

6

## 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.

14

## Rule 17

15

## Sergeant-At-Arms

16

The sergeant-at-arms shall execute all orders of

17

the house and the presiding officer; perform all

18

assigned duties related to the policing and good order

19

of the house; supervise the entrance and exit of all

20

persons to and from the chamber; promptly execute all

21

messages, etc.; provide that the chamber is properly

22

ventilated and open for the use of the members; and

23

perform all other services pertaining to the office of

24

sergeant-at-arms.

25

## Rule 18

26

## Secretaries

27

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29

30

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

**Page 7**

1

2

3

4

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

5

## Rule 19

6

## Extra Compensation of Employees

7

8

9

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

14

15

16

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

17

18

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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.

12 7. Personnel of the code editor's office,  
13 legislative service bureau, legislative fiscal bureau,  
14 citizens' aide/ombudsman's office, computer support  
15 bureau and administrative rules review committee  
16 staff.

17 8. The governor's executive assistants and  
18 administrative assistants, members of the state  
19 executive council, the lieutenant governor, the  
20 attorney general, and the administrative rules  
21 coordinator, all of whom shall be confined to the  
22 perimeter seating area.

23 The current status of former members of the general  
24 assembly shall govern their access to the floor under  
25 these rules.

26 No other persons shall be allowed on the house  
27 floor without permission of the presiding officer of  
28 the house.

29 No person admitted to the floor of the house,  
30 except members of the general assembly, shall, while

#### Page 9

1 the house is in session, lobby or attempt to exercise  
2 any influence with any member for or against any  
3 matter then pending or that may thereafter be  
4 considered by the house.

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

18 Each lobbyist shall be given a copy of this rule  
19 when the lobbyist registers.

20 Each member, employee of the house, and registered  
21 lobbyist shall report violations of this rule  
22 immediately to the sergeant-at-arms.

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

#### Rule 21

##### Distribution of Literature

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29 No person not a member of the house of  
30 representatives shall generally distribute or cause to

**Page 10**

1 be distributed any pamphlets, material, or other  
 2 printed literature in the house without the express  
 3 permission of the chief clerk. Each piece of  
 4 literature shall bear its source of distribution.

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

9 Rule 22  
 10 Distribution of Materials  
 11 Printed by the State

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

21 DIVISION IV—FORMS AND PROCEDURES  
 22 FOR BILLS AND OTHER DOCUMENTS

23 Rule 23  
 24 Documents signed by the Speaker

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

29 Rule 24  
 30 Presentation of Petitions

**Page 11**

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

4 Rule 25  
 5 Consideration of Resolutions

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

16 Rule 26  
 17 Unanimous Consent Calendar  
 18 The speaker may, upon the request of three members,

19 place on a unanimous consent calendar any house  
20 resolution or concurrent resolution which does not  
21 contain an appropriation and which has been laid over  
22 under Rule 25.

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

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

### Page 12

1 If the resolution is removed from the unanimous  
2 consent calendar, the speaker may again lay the  
3 resolution over under Rule 25, place it on a different  
4 calendar, or refer the resolution to any of the  
5 standing committees of the house.

#### Rule 27

##### Forms of Bills and Joint Resolutions

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

#### Rule 28

##### Joint and Nullification Resolutions

21 Joint resolutions shall be framed and treated as  
22 bills.

23 A "nullification resolution" is a joint resolution  
24 which nullifies all of an administrative rule, ~~or part~~  
25 or a severable item of an administrative rule adopted  
26 pursuant to chapter 17A of the Code. A nullification  
27 resolution shall not amend an administrative rule by  
28 adding language or by inserting new language in lieu  
29 of existing language.

30 A nullification resolution may be introduced by an

### Page 13

1 individual, a standing committee or the administrative  
2 rules review committee, and may be referred to a  
3 standing committee.

4 A nullification resolution is debatable, but cannot  
5 be amended on the floor of the house.

6

## Rule 29

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## Time of Introduction of Bills

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9 No bill or joint resolution under individual  
10 sponsorship, other than a nullification resolution,  
11 shall be read for the first time after 4:00 p.m. on  
12 Friday of the 7th week of the first regular session of  
13 the general assembly unless a written request for  
14 drafting the bill has been filed with the legislative  
15 service bureau before that time.

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

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

**Page 14**

1 nullification resolutions may be introduced at any  
2 time.

3

## Rule 30

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## Introduction and Reading of Bills

5

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

10 Every bill shall receive two readings but no bill  
11 shall receive its first and last readings on the same  
12 day.

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

16

## Rule 31

17

## First Reading, Commitment and Amendment

18

19 31.1. A bill is introduced into the house by an  
20 initial or "first reading of the bill".

19

21 31.2. When the house is in session the first  
22 reading shall consist of a "reading" as provided in  
23 Rule 30.

22

23 31.3. Upon a first reading of the bill, the  
24 speaker shall state that it is ready for commitment or  
25 amendment; and the speaker shall commit it to the

25 standing or select committee, or to a committee of the  
26 whole house. If to a committee of the whole house,  
27 the house shall determine on what day.

28 31.4. On a day when the house is not in session,  
29 the speaker shall cause a statement, which shall  
30 consist of the title, enacting clause, bill number and

**Page 15**

1 committee to which the bill is referred to be  
2 published in the house journal. This publication  
3 shall constitute a first reading and commitment and  
4 shall contain the notation "read and committed under  
5 Rule 31.4".

6 31.5. All amendments offered to bills on file or  
7 on the regular calendar shall be accompanied by such  
8 copies as the chief clerk shall direct.

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

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

20 31.8. No amendment to the rules of the house, to  
21 any resolution or bill, except technical amendments  
22 and amendments to bills substituted for by senate  
23 files containing substantially identical title,  
24 language, subject matter, purpose and intrasectional  
25 arrangement, shall be considered by the membership of  
26 the house without a copy of the amendment having been  
27 filed with the chief clerk by 4:00 p.m. or within one-  
28 half hour of adjournment, whichever is later, on the  
29 day preceding floor debate on the amendment. However,  
30 committee amendments filed pursuant to the submission

**Page 16**

1 of the committee report may be accepted after this  
2 deadline. This provision shall not apply to any  
3 proposal debated on the floor of the house after the  
4 fourteenth week of the first session and the twelfth  
5 week of the second session. No amendment or amendment  
6 to an amendment to a bill, rule of the house, or  
7 resolution shall be considered by the membership of  
8 the house without a copy of the amendment being on the  
9 desks of the entire membership of the house prior to  
10 consideration.

11

## Rule 32

12 Commitment of Appropriation and Revenue Bills  
 13 All bills to appropriate money shall be referred to  
 14 the appropriations committee, and all bills pertaining  
 15 to the levy, assessment or collection of taxes shall  
 16 be referred to the committee on ways and means.

17

## Rule 33

18

## Regular Calendar

19 Bills, nullification resolutions and joint  
 20 resolutions reported out for passage, or amendment and  
 21 passage, or without recommendation, by a committee,  
 22 shall be arranged on a regular calendar by the chief  
 23 clerk each day at 4:30 p.m. in the order of the file  
 24 number of the bills and following the preceding  
 25 legislative day's regular calendar. Priority shall be  
 26 given to house over senate file numbers and to joint  
 27 resolutions over bills in the arrangement of the  
 28 regular calendar.

29

## Rule 34

30

## Debate Calendars

## Page 17

1 The majority floor leadership shall cause a weekly  
 2 debate calendar to be prepared and distributed to the  
 3 house members by the chief clerk. The weekly debate  
 4 calendar shall be the last regular calendar of the  
 5 preceding week with an addendum by noon of that day  
 6 consisting of bills that are read in on that day as  
 7 reported out of committee and provided that copies of  
 8 the bills on the addendum are available by 4:00 p.m.  
 9 or by adjournment of that day, whichever is later. A  
 10 bill, other than an appropriations or ways and means  
 11 committee bill or a bill which has passed both houses  
 12 in different forms, not listed on the weekly debate  
 13 calendar shall not be considered by the house during  
 14 the week covered by the weekly debate calendar.

15 The majority floor leadership shall cause to be  
 16 prepared and distributed to the members at the opening  
 17 of each session day when floor action is scheduled, a  
 18 daily debate calendar consisting of bills,  
 19 nullification resolutions and joint resolutions from  
 20 the weekly debate calendar setting forth the number,  
 21 and title, and order of consideration of bills,  
 22 nullification resolutions and joint resolutions for  
 23 the next session day that floor action is scheduled.  
 24 This rule does not apply to bills which have passed  
 25 both houses in different forms, reconsiderations or  
 26 veto reconsiderations.

27

## Rule 35

28

## Noncontroversial Calendar

29 The majority floor leadership may cause to be  
 30 prepared a noncontroversial calendar consisting of

**Page 18**

1 bills and joint resolutions from the regular calendar.  
2 The noncontroversial calendar shall appear under  
3 separate heading on the regular calendar.

4 Notwithstanding Rule 34, a bill or joint resolution  
5 on the noncontroversial calendar may be called up for  
6 debate at any time by the majority leader beginning  
7 the third legislative day after it appears on the  
8 noncontroversial calendar. A bill or joint resolution  
9 shall be stricken from the noncontroversial calendar  
10 if a written objection to the bill or joint resolution  
11 is filed with the chief clerk prior to the time the  
12 bill or joint resolution is called up by the majority  
13 leader.

14 Debate on a bill or joint resolution from the  
15 noncontroversial calendar shall be limited to ten  
16 minutes. If debate exceeds ten minutes, the bill or  
17 joint resolution shall be stricken from the  
18 noncontroversial calendar.

**19 Rule 36****20 Consideration of Committee Amendments**

21 After a bill has been referred and reported back,  
22 it shall be considered on its first reading after the  
23 amendments of the committee have been read.

**24 Rule 37****25 Amendments to Special Order Bills**

26 All amendments, except corrective amendments, to  
27 bills special ordered more than five session days in  
28 advance of the date set for debate shall be filed at  
29 least two session days prior to the date set for  
30 debate.

**Page 19**

1 A corrective amendment is an amendment which does  
2 not substantively change the amendment or the bill.

3 The time limits set for the filing of amendments on  
4 specially ordered bills shall not apply to bills  
5 special ordered for less than five session days.

**6 Rule 38****7 Irrelevant Amendments**

8 No motion or proposition on a subject different  
9 from that under consideration shall be admitted under  
10 color of an amendment.

**11 Rule 39****12 Consideration of Bills**

13 Bills, including committee bills, and nullification  
14 resolutions, reported out for passage, for indefinite  
15 postponement, for amendment and passage, or without  
16 recommendation by the committee, shall not be acted  
17 upon until at least one day after the printed journal  
18 containing the report has been placed upon the desks

19 of the members of the house.

20 Appropriations committee bills shall not be acted  
21 upon until at least two days after the printed bill  
22 has been placed on the desks of the members of the  
23 house.

24 The reports of the committees shall not be read  
25 while the house is in session except as herein  
26 provided. The reports shall be printed in the journal  
27 immediately after they are filed with the chief clerk.  
28 Reports recommending bills for passage, for amendment  
29 and passage, or without recommendation shall stand  
30 approved unless written objections are filed during

**Page 20**

1 the first legislative day following their printing in  
2 the journal. If objections are filed, they shall be  
3 disposed of as soon as possible. Reports recommending  
4 indefinite postponement shall be governed by Rule 44.

5 Upon an affirmative vote of at least a  
6 constitutional majority of the members, a report may  
7 be read before it is printed in the journal and while  
8 the house is in session, and acted upon at once.

9 Rule 40

10 Consideration of Bills Upon Last Reading

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

14 Rule 41

15 Printing of Bills and Joint Resolutions

16 Bills and joint resolutions shall be printed in  
17 form as provided by law and by rule. Each house may  
18 direct the printing of an additional number of its own  
19 bills.

20 Legalizing bills of a local or private nature shall  
21 be printed in bill form and placed in the files of the  
22 members, the same as other bills, in the order of  
23 their introduction. The cost of printing shall be  
24 deposited with the treasurer of state in advance at a  
25 rate to be fixed, and the newspaper publication of the  
26 bill shall be without cost to the state. No  
27 legalizing act may be introduced until all provisions  
28 of law have been complied with.

29 Rule 42

30 Certification of Bills

**Page 21**

1 The chief clerk shall certify the passage of each  
2 bill and note the date of its passage.

3 Rule 43

4 Rereferral

5 A bill may be rereferred at any time before its

6 passage and after the report of its referral to  
7 committee.

8 **Rule 44**

9 **Effect of Indefinite Postponement**

10 When a question is indefinitely postponed, it shall  
11 not be acted upon again during that session. Any bill  
12 which receives a committee recommendation of  
13 indefinite postponement shall be disposed of within  
14 three legislative days after the printed journal  
15 containing the report has been placed upon the desks  
16 of the members of the house, or the committee  
17 recommendation will be considered adopted.

18 **Rule 45**

19 **Status of Bills Following**

20 **First Regular Session**

21 Except as provided in Rule 3 of the joint rules all  
22 bills which have not been withdrawn, defeated or  
23 indefinitely postponed, shall be rereferred to  
24 committee upon adjournment of the first regular  
25 session. Within seven days after the first committee  
26 meeting following convening of the second regular  
27 session, the committee chair shall submit the bill to  
28 the full committee for action or the chair shall  
29 reassign the bill to a subcommittee.

30 **DIVISION V—COMMITTEE PROCEDURES**

**Page 22**

1 **Rule 46**

2 **Appointment of Committees**

3 All committees shall be appointed by the speaker,  
4 unless otherwise especially directed by the house.

5 **Rule 47**

6 **Order on Question of Commitment**

7 When a resolution is offered or a motion made to  
8 refer any subject, and different committees are  
9 proposed, the question shall be taken in the following  
10 order: The committee of the whole house; a standing  
11 committee; a select committee.

12 **Rule 48**

13 **Study Bills**

14 A study bill is any matter which a member of the  
15 house wishes to have considered by a standing  
16 committee, other than appropriations, and which has  
17 not been included in a previously introduced bill.  
18 Upon taking possession of a study bill, the committee  
19 chair shall notify the speaker and then submit fifteen  
20 copies of the bill to the legal counsel's office for  
21 numbering.

22 A study bill shall bear the name of the member who  
23 wishes to have the bill considered. A study bill  
24 submitted by a state agency or board for consideration

25 shall bear the name of the state agency or board. A  
 26 committee chair may submit a study bill in the name of  
 27 that committee.

28 Final committee action on a study bill shall not be  
 29 taken until one day following the notation of the  
 30 study bill assignment in the house journal.

**Page 23**

1 A study bill not prepared by the legislative  
 2 service bureau may be submitted to a standing  
 3 committee, but shall not be considered by the full  
 4 committee unless reviewed and typed in proper form by  
 5 the legislative service bureau.

6 Rule 49

7 Committee Meetings

8 No committee, except a conference committee or the  
 9 administrative rules review committee, shall meet  
 10 while the house is in session without special leave.

11 Rule 50

12 Smoking

13 Smoking shall not be permitted in the house  
 14 committee rooms while a committee is meeting, the west  
 15 part of the lounge provided for telephone use, or on  
 16 the floor of the house, at the speaker's station, in  
 17 the press boxes, visitors' galleries, or house  
 18 members' rest rooms.

19 Rule 51

20 Assignments to Subcommittee

21 The chair of the committee shall report to the  
 22 house the bill number of each bill assigned to  
 23 subcommittee and the names of the subcommittee  
 24 members. The report shall be printed in the journal.

25 All bills, prior to consideration by the committee,  
 26 shall be referred by the chair to a subcommittee,  
 27 unless acted upon by a committee of the whole.

28 The chair may assign bills to subcommittees without  
 29 a meeting of the committee, but the membership of the  
 30 subcommittee so appointed shall be reported at the

**Page 24**

1 next meeting of the committee.

2 The speaker of the house shall assign 4:30 to 6:00  
 3 p.m. each day to allow subcommittees of standing  
 4 committees to meet and no other house action may be  
 5 scheduled during that time period unless the house is  
 6 in session or standing committees are meeting.

7 Rule 52

8 Open Meetings

9 Standing committee meetings shall be open, and  
 10 voting by secret ballot is prohibited. The rules and  
 11 administration committee may close its meetings to

12 evaluate the professional competency of an individual  
13 whose appointment, hiring, performance or discharge is  
14 being considered when necessary to prevent needless  
15 and irreparable injury to that individual's reputation  
16 on the request of the affected individual.

17 **Rule 53**

18 **Quorum and Vote Requirements**

19 The committee roll shall be taken at the convening  
20 of each meeting to determine the presence of a quorum.  
21 A majority of the committee membership shall  
22 constitute a quorum.

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

26 **Rule 54**

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

29 A committee attendance record shall be filed with  
30 the chief clerk no later than 10:00 a.m. of the

**Page 25**

1 legislative day immediately following the day of the  
2 committee meeting. The committee attendance record is  
3 a public record and may be published in the journal.

4 The committee attendance record shall include the  
5 following information:

- 6 a. The time the meeting convened.
- 7 b. The members present at the meeting.
- 8 c. The time the meeting adjourned.
- 9 d. A list of bills receiving final committee

10 disposition.

11 A report of committee form shall be filed with the  
12 chief clerk no later than 10:00 a.m. of the  
13 legislative day immediately following the day of the  
14 committee meeting for each study bill, numbered bill  
15 or resolution receiving final committee disposition.  
16 The report of committee form is a public record and a  
17 report of committee action shall be printed in the  
18 journal. The report of committee form shall include  
19 the following information:

- 20 a. The committee action taken.
- 21 b. The committee amendment number, if any.
- 22 c. The roll call vote of the committee on final
- 23 disposition.
- 24 d. The minority recommendation, if any.

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

**Page 26**

## 1 Rule 55

## 2 Minority Recommendation

3 The minority of the members of a committee may  
4 present its recommendations on the final disposition  
5 of a bill to the house by attaching its recommendation  
6 to the committee report and the same shall be printed  
7 in the journal with the committee report.

## 8 Rule 56

## 9 Committee Amendment

10 Whenever a committee amendment is proposed which  
11 would amend another committee amendment, the amendment  
12 shall be drafted in the form of a substitute amendment  
13 and shall be considered as such.

## 14 Rule 57

## 15 Committee Notice and Agenda

16 Each committee shall prepare and publish a notice  
17 and agenda of each committee meeting at least one  
18 legislative day prior to the meeting.

19 The notice shall contain the committee name, the  
20 date, time and location of the meeting.

21 The agenda shall contain the matters to be  
22 discussed, including a list of bills, joint  
23 resolutions, nullification resolutions and study bills  
24 by number. The agenda should contain the names of  
25 individuals who are scheduled to appear before the  
26 committee and the organization which they represent.

27 A bill, joint resolution, nullification resolution  
28 or study bill shall not be reported out of committee  
29 if the bill was not included in the published notice  
30 and agenda unless this rule is suspended by a majority

**Page 27**

1 of the total membership of the committee.

2 A committee chair may call a meeting without  
3 providing the required notice and agenda upon leave of  
4 the house if a notice is placed on the desks of  
5 committee members and on the bulletin board.

## 6 Rule 58

## 7 Clearing of Committee Room

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

## 10 Rule 59

## 11 Committee Amendments

12 All amendments to a bill or resolution adopted in  
13 committee shall be incorporated in a single committee  
14 amendment or incorporated in a new committee bill.

## 15 Rule 60

16 Withdrawal of Bills  
17 or Nullification Resolutions  
18 From Committee

19 A bill or nullification resolution which has been  
 20 in committee for eighteen legislative days following  
 21 notation of such referral in the journal may be  
 22 withdrawn from the committee and placed on the  
 23 calendar by an affirmative vote of not less than  
 24 fifty-one members of the house.

25 Rule 61

26 Committee Hearings

27 The chair of a committee may call a hearing for the  
 28 purpose of receiving public comment on any matter  
 29 within the purview of the committee.

30 The chair shall call a hearing upon the written

Page 28

1 request of committee members according to committee  
 2 rules, but no more than one-third of the committee  
 3 members shall be required.

4 The chair shall designate a time and place for a  
 5 hearing and provide public notice at least five days  
 6 prior to a hearing.

7 A bill for which a public hearing has been called  
 8 can be voted to the calendar but cannot be debated  
 9 until after the public hearing has been held.

10 However, public hearings which have been requested  
 11 during or after the 10th week of the first session and  
 12 during or after the 8th week of the second session  
 13 must be held within four legislative days of the date  
 14 of the request.

15 Rule 62

16 Limitation on Filing of Claims

17 A claim or claim bill, the subject matter of which  
 18 has been considered or filed for consideration in the  
 19 house or any of its committees, in two or more prior  
 20 sessions of the general assembly, shall not be  
 21 considered by any committee or by the house unless it  
 22 has been specifically referred to this session by a  
 23 prior general assembly. The committee on claims is  
 24 authorized to set a definite date after which it will  
 25 not receive claims or claim bills for consideration.

26 DIVISION VI—COMMITTEE OF THE WHOLE

27 Rule 63

28 Organization of Committee of the Whole

29 In forming the committee of the whole house, the  
 30 speaker shall appoint a member to preside in committee

Page 29

1 and then leave the chair.

2 Rule 64

3 Rules in Committee of the Whole

4 The rules of the house shall be observed in  
 5 committee of the whole house, so far as they are

6 applicable.

7

Rule 65

8 Bills in Committee of the Whole

9 Bills committed to the committee of the whole house  
10 shall first be read in their entirety by the chief  
11 clerk or chair and then read again or debated by  
12 section, leaving the preamble to be considered last.  
13 After report, the bill shall again be subject to  
14 debate and amendment before a vote is had on its last  
15 reading and passage.

16

Rule 66

17 Amendments by Committee of the Whole

18 All amendments made to a report committed to a  
19 committee of the whole house shall be noted and  
20 reported as in the case of bills.

21

DIVISION VII—MOTIONS

22

Rule 67

23 Order and Precedence of Motions

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

26

11. Adjourn.

27

10. Recess.

28

9. Questions of privilege.

29

8. Lay on the table.

30

7. Previous question.

Page 30

1

6. Postpone definitely or to a certain time.

2

5. Refer or commit.

3

4. Defer.

4

3. Amend an amendment.

5

2. Amend.

6

1. Postpone indefinitely.

7

These motions are listed in descending order of

8

precedence.

9

A motion to postpone definitely or to a certain time, to

10

refer or commit, or to postpone indefinitely a particular

11

question shall not be considered more than once on the same day.

12

Adoption of a motion to strike the enacting words is equivalent

13

to rejection of the question.

14

Rule 68

15

Order of Consideration of Amendments

16

Amendments shall be considered by earliest position

17

in the bill. Amendments to the same place in the bill

18

shall be considered by the lowest amendment number.

19

An amendment which inserts language after a line and

20

an amendment which inserts language before the

21

succeeding line shall be considered amendments to the

22

same place in the bill.

23

However, an amendment to strike the enacting clause

24

shall always be considered first. An amendment filed

25 by a committee shall have the next highest order of  
26 priority, followed by an amendment to strike  
27 everything after the enacting clause and insert new  
28 language. An amendment to strike language or to  
29 strike and insert new language, except an amendment to  
30 strike everything after the enacting clause and insert

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1 new language, shall not be considered before  
2 amendments to perfect all or part of the same portion  
3 of the bill.

**Rule 69****Motions Not Debatable**

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

**Rule 70****Motion to Adjourn**

11 A motion to adjourn shall always be in order,  
12 except when a member is speaking or the house is  
13 voting.

**Rule 71****Withdrawal of Motions**

16 After a motion is stated by the speaker, or read by  
17 the chief clerk, it shall be deemed to be in  
18 possession of the house, but may be withdrawn by leave  
19 of the house.

**Rule 72****Referral and Rereferral**

22 Motions and reports may be referred and rereferred  
23 at the pleasure of the house.

**Rule 73****Reconsideration**

26 a. A motion to reconsider may be made only by a  
27 member who voted on the prevailing side of the  
28 question sought to be reconsidered.

29 b. A motion to reconsider may be made not later  
30 than adjournment on the day following the day of the

**Page 32**

1 action sought to be reconsidered. Where the floor  
2 manager voted on the prevailing side, he or she has  
3 the prior right to make the motion, until adjournment  
4 on the day of the action sought to be reconsidered. A  
5 motion to reconsider a nullification resolution shall  
6 be acted upon not later than adjournment on the  
7 legislative day following the day of the action sought  
8 to be reconsidered.

9 c. A motion to reconsider made following the one  
10 hundred fourth calendar day of the first regular  
11 session, or the ninety-fourth calendar day of the

12 second regular session, shall be taken up when made.  
13 A motion made at any other time may be taken up prior  
14 to the third day succeeding the day of the action  
15 sought to be reconsidered only if called up by the  
16 mover, and after the second day succeeding the day of  
17 the action sought to be reconsidered if called up by  
18 any member.

19 d. The making of a motion to reconsider takes  
20 precedence over all other questions.

21 e. No motion to reconsider passage, adoption or  
22 failure of any bill, nullification resolution or joint  
23 resolution shall prevail unless it obtains a  
24 constitutional majority. When passage, adoption or  
25 failure is reconsidered, questions on amendments may  
26 also be reconsidered and shall be disposed of  
27 immediately.

28 f. A motion that the motion to reconsider be laid  
29 on the table is in order. The effect of laying the  
30 motion to reconsider on the table is to cause the bill

### Page 33

1 or joint resolution to proceed on its regular course  
2 immediately.

3 g. In the event that a motion to reconsider is  
4 pending at the end of the first session or any  
5 extraordinary session of any general assembly, or the  
6 general assembly adjourns sine die, and the motion to  
7 reconsider has not been voted upon by the house, the  
8 motion shall be determined to have failed.

### 9 DIVISION VIII—VOTING

#### 10 Rule 74

#### 11 Manner of Voting

12 Upon direction of the speaker or upon request of  
13 two members during the taking of the vote of the house  
14 on any question, only those members at their desks and  
15 voting shall be counted except:

16 a. Members who have not voted may record their  
17 votes on any record roll call vote except quorum calls  
18 within ten minutes after the vote has been announced,  
19 providing the vote does not change the outcome of the  
20 vote on that question. A member may request  
21 announcement of the names of members so recorded after  
22 the ten-minute period.

23 b. Members meeting in a conference committee or in  
24 administrative rules review committee at the time a  
25 vote is taken on a question may have their vote  
26 recorded within 30 minutes or adjournment, whichever  
27 is first of that same legislative day, providing the  
28 vote does not change the outcome of the vote on that  
29 question.

30

#### Rule 75

**Page 34**

## 1                           Duty of Voting

2     Except as limited in Rule 74, every member who is  
3 in the house when a question is put shall vote unless  
4 the house has excused that member for special reasons;  
5 however, such member must have asked to be excused  
6 prior to commencing to take the vote on the main  
7 question.

## 8                           Rule 76

## 9                           Limitation on Right to Vote

10    No member shall vote on any question in which that  
11 person is financially interested.

## 12                           Rule 77

## 13                           Call of the House

14    Upon written request of five members, the presiding  
15 officer shall compel attendance of absent and  
16 unexcused members for the consideration of specified  
17 bills or resolutions.

18    A call of the house shall specify the propositions  
19 to which it is to apply, and must be put into effect  
20 before roll call is taken on the proposition. The  
21 request may be filed at any time before final action  
22 upon the propositions with the chief clerk, who shall  
23 notify the house immediately.

## 24                           Rule 78

## 25                           Method of Calling the House

26    Upon a call of the house, the names of the members  
27 shall be called by the chief clerk and the absentees  
28 noted, after which the names of the absentees shall  
29 again be called. The sergeant-at-arms shall be  
30 directed by the speaker to compel the attendance of

**Page 35**

1 absent members, unless they are previously excused.  
2 Any member occupying his or her seat during a call of  
3 the house shall be counted by the speaker and that  
4 person's name entered in the journal as being present  
5 for the purpose of making a quorum.

## 6                           Rule 79

## 7                           Method of Calling the Roll

8    The electrical voting machine shall be used for a  
9 call of the house, a quorum call or a roll call vote  
10 on any question. If the electrical voting machine is  
11 not in operating order when it is necessary to take a  
12 record roll call vote, the presiding officer shall  
13 order the vote to be taken by calling the roll in  
14 alphabetical order, except the name of the presiding  
15 officer shall be called last.

16    During the casting of the vote with the voting  
17 machine, the individual votes and the vote totals  
18 shall be shown on the display boards. Before the

19 voting machine is closed, the presiding officer shall  
20 inquire of the house, "Have you all voted?"

21 Rule 80

22 Quorum and Record Roll Call Votes

23 A majority of the members shall constitute a  
24 quorum.

25 A record roll call vote shall be ordered upon  
26 request of any two members. The names of the members  
27 requesting the record roll call shall be entered in  
28 the journal.

29 Rule 81

30 Previous Question

**Page 36**

1 When a member moves for a previous question, that  
2 member shall state whether the motion will apply to  
3 the main question, to all the amendments, or to  
4 particular amendments. The motion requires an  
5 affirmative vote of at least a constitutional majority  
6 of the members. If the motion for a previous question  
7 is not adopted, the house shall proceed in the same  
8 manner as before the motion was made.

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

11 1. If the motion applies to the main question, the  
12 member in charge of the measure will have ten minutes  
13 to speak for the purpose of closing discussion before  
14 the vote on the measure is taken.

15 2. If the motion applies to an amendment, the  
16 member proposing the amendment will have five minutes  
17 to speak for the purpose of closing discussion before  
18 the vote on the amendment is taken.

19 3. If a member has filed a written request with  
20 the chief clerk of the house indicating his or her  
21 desire to speak on a particular question. The request  
22 must be filed before the motion is made by the movant.  
23 The request allows a member to speak on a particular  
24 question before the closing discussion by the member  
25 who is in charge of the measure or who is proposing  
26 the amendment.

27 Rule 82

28 Division of the Question

29 Any member may call for a division of the question,  
30 which shall be divided if it comprehends questions so

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1 distinct that one being taken away, the remainder may  
2 stand separately for discussion by the house. A  
3 motion to strike out being lost shall not preclude  
4 either an amendment or a motion to strike out and  
5 insert. A motion to strike out and insert shall be  
6 deemed indivisible.

Metcalf of Polk offered the following amendment H—3016 filed by her:

H—3016

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 3, lines 16 and 17, by striking the words
- 3 "a constitutional majority" and inserting the
- 4 following: "a constitutional majority sixty-two
- 5 members".
- 6 2. Page 3, lines 18 and 19, by striking the words
- 7 "a constitutional majority" and inserting the
- 8 following: "a constitutional majority sixty-two
- 9 members".

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—3016 for the consideration of amendment H—3028.

Schneklath of Scott offered the following amendment H—3028 filed by him and Garman of Story and moved its adoption:

H—3028

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 3, lines 16 and 17, by striking the words
- 3 "a constitutional majority" and inserting the words "a
- 4 constitutional majority sixty-six members".
- 5 2. Page 3, lines 18 and 19, by striking the words
- 6 "a constitutional majority" and inserting the words "a
- 7 constitutional majority sixty-six members".

Amendment H—3028 lost.

The House resumed consideration of amendment H—3016, previously deferred.

On motion by Metcalf of Polk, amendment H—3016 lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Pellett of Cass, for the remainder of the day, on request of Miller of Cherokee.

Miller of Cherokee offered the following amendment H—3030 filed by him and moved its adoption:

H—3030

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 4, by inserting the following after line
- 3 15:

- 4 "NEW RULE 10A  
 5 Newspapers Prohibited  
 6 The reading of newspapers is prohibited in the  
 7 house chamber while the house is in session."  
 8 2. By renumbering rules as necessary.

A non-record roll call was requested.

The ayes were 30, nays 48.

Amendment H—3030 lost.

Corbett of Linn offered the following amendment H—3011 filed by him and moved its adoption:

H—3011

- 1 Amend House Resolution 2 as follows:  
 2 1. Page 4, line 22, by striking the word "ten"  
 3 and inserting the following: "~~ten~~ fifteen".

Amendment H—3011 lost.

Halvorson of Clayton offered the following amendment H—3023 filed by Harbor of Mills and moved its adoption:

H—3023

- 1 Amend House Resolution 2 as follows:  
 2 1. Page 5, lines 19 and 20, by striking the words  
 3 "speaker of the house" and inserting the following:  
 4 "~~speaker of the house~~ rules and administration  
 5 committee".

Amendment H—3023 lost.

Halvorson of Clayton offered the following amendment H—3008 filed by him and Harbor of Mills and moved its adoption:

H—3008

- 1 Amend House Resolution 2 as follows:  
 2 1. Page 6, by inserting after line 4 the  
 3 following:  
 4 "The chief clerk shall authorize names of house  
 5 members to be displayed on the voting machine display  
 6 boards only when a bill, resolution, amendment, or  
 7 motion is being debated. Names shall be confined to  
 8 the floor manager of the bill, the lead sponsor of the  
 9 amendment, or a person making the motion."

A non-record roll call was requested.

The ayes were 32, nays 46.

Amendment H—3008 lost.

Trent of Muscatine asked and received unanimous consent to defer action on amendment H—3029 until after consideration of amendment H—3024.

Stromer of Hancock offered the following amendment H—3018 filed by him and moved its adoption:

H—3018

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 6, line 8, by striking the words "speaker
- 3 of the house" and inserting the words "speaker of the
- 4 house rules and administration committee".

A non-record roll call was requested.

The ayes were 29, nays 48.

Amendment H—3018 lost.

Arnould of Scott asked and received unanimous consent to defer action on House Resolution 2 and that the resolution retain its place on the calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for an immediate meeting of the committee on rules and administration.

### COMMUNICATIONS RECEIVED

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

#### CITIZENS' AIDE/OMBUDSMAN

A report on recommendations to the legislature, pursuant to Chapter 601G.16, Code of Iowa.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

The Annual Report of the Iowa Conservation Corps, pursuant to Chapter 15.222, Code of Iowa.

#### DEPARTMENT OF MANAGEMENT

The annual report on the contract compliance program, pursuant to Chapter 19B.7, Code of Iowa.

#### DEPARTMENT OF PUBLIC HEALTH

A report of a Task Force established to examine the nursing personnel needs of rural and urban areas, pursuant to Chapter 234, Sec. 102(1)(b)(1), 1987 Acts of the Seventy-second General Assembly.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 54 Labor and Industrial Relations**

Relating to the deduction of vacation and bonus pay from unemployment compensation benefits.

**H.S.B. 55 Labor and Industrial Relations**

Eliminating dependency as a basis upon which an individual's unemployment compensation benefit is computed.

**H.S.B. 56 Labor and Industrial Relations**

Relating to a waiver of the transfer of a predecessor employer's payrolls, contributions, accounts, and contribution rates to a successor employer which acquires the whole enterprise or business.

**H.S.B. 57 Labor and Industrial Relations**

Relating to unemployment compensation benefits for certain employees of the natural resource commission and providing an effective date.

**H.S.B. 58 Labor and Industrial Relations**

Relating to the minimum employer penalty for the filing of a delinquent or insufficient report of employee wages under the unemployment insurance law.

**H.S.B. 59 Labor and Industrial Relations**

Providing that a job service administrative determination is not binding in a separate action between an individual and the individual's employer.

**H.S.B. 60 Labor and Industrial Relations**

Relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

**H.S.B. 61 Agriculture**

Appropriating funds to the state board of regents and the Iowa department of public health to support agricultural health and safety programs.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 1**

Labor and Industrial Relations: Sherzan, Chair; Kistler and Peters.

**House File 5**

Labor and Industrial Relations: Connors, Chair; Peters and Tyrrell.

**House File 6 (Reassigned)**

Natural Resources and Outdoor Recreation: Koenigs, Chair; May and McKean.

**House File 7**

Labor and Industrial Relations: Connors, Chair; Diemer and Lykam.

**House File 14**

Labor and Industrial Relations: Peters, Chair; Brammer and Hester.

**House File 17**

Labor and Industrial Relations: Sherzan, Chair; Brammer and Hester.

**House File 21**

Labor and Industrial Relations: Sherzan, Chair; Connors and Hermann.

**House File 29**

Labor and Industrial Relations: Peters, Chair; Jochum and Kistler.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 18**

Economic Development: Groninga, Chair; Bennett, Lykam, Metcalf and Neuhauser.

**House Study Bill 19**

Economic Development: Halvorson of Webster, Chair; Connolly, Corbett, Hermann and Svoboda.

**House Study Bill 27**

Economic Development: Swartz, Chair; Beaman, Brand, Dvorsky and Lageschulte.

**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 the compensation of chaplains, officers and employees of the seventy-third general assembly.

Fiscal Note is not required.

Recommended **Do Pass** January 12, 1989.

## AMENDMENTS FILED

H-3032	H.R.	2	Petersen of Muscatine
H-3033	H.R.	2	De Groot of Lyon

On motion by Arnould of Scott, the House adjourned at 5:30 p.m., until 10:00 a.m., Monday, January 16, 1989.

# JOURNAL OF THE HOUSE

Eighth Calendar Day — Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 16, 1989

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, January 12, 1989 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 2**, by Sherzan, a joint resolution to nullify an administrative rule of the department of employment services relating to business closings and providing an effective date.

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

**House File 32**, by Connors, a bill for an act relating to the Iowa public employees' retirement system by providing for the transfer of membership service earned under a fire or police retirement system, requiring the adoption of rules for such transfers, and providing properly related matters.

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

**House File 33**, by Harbor and Royer, a bill for an act relating to categorizing shattercane as a noxious weed.

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

**House File 34**, by Svoboda, a bill for an act relating to the provision of voter registration forms with applications for electric utility service, making penalties applicable, and providing properly related matters.

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

**House File 35**, by Hanson of Delaware, a bill for an act relating to the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale.

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

**House File 36**, by Diemer, a bill for an act relating to the caliber of firearms and the type of ammunition permitted during 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 37**, by Halvorson of Clayton, a bill for an act relating to the continued existence and membership of the Iowa boundary commission.

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

**House File 38**, by Peterson of Carroll, a bill for an act relating to the senate and house of representatives, providing for a reduction in the number of members commencing with the seventy-fifth general assembly, and directing that reapportionment procedures be conducted accordingly.

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

**House File 39**, by Clark, a bill for an act relating to indecent exposure and providing a penalty.

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

**House File 40**, by Ollie, a bill for an act relating to the calculation of household income for purposes of the extraordinary property tax credit or rent reimbursement for elderly or disabled individuals and providing an effective date.

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

**House File 41**, by Peterson of Carroll, a bill for an act relating to the sentencing of certain felons and aggravated misdemeanants, by providing for serving the term of imprisonment in the county jail, for court discretion in sentencing class "D" felons and aggravated misdemeanants, for reconsideration of sentences, and for reimbursement to counties for incarceration expenses.

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

**House File 42**, by Poncy, a bill for an act relating to bidders disclosing the names of all subcontractors working on a state procurement contract.

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

**House File 43**, 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 44**, by Hester, a bill for an act raising the maximum compulsory school attendance age to up to eighteen and providing an exception for children who are twelfth grade graduates.

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

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 3.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Hibbard of Madison on request of Dvorsky of Johnson; Bisignano of Polk on request of Wise of Lee; Teaford of Black Hawk on request of Harper of Black Hawk, all until their arrival; Jay of Appanoose, for January 16 and 17, on request of Poncy of Wapello.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION 3**

Connors of Polk called up for consideration Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-third general assembly, as follows:

- 1 Senate Concurrent Resolution 3
- 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-third general assembly.
- 6 *Whereas*, section 2.11 of the Code provides that
- 7 "The compensation of chaplains, officers and employees
- 8 of the general assembly shall be fixed by joint action
- 9 of the house and senate by resolution at the opening
- 10 of each session, or as soon thereafter as conveniently
- 11 can be done.", *Now Therefore*,
- 12 *Be It Resolved By The House, The Senate Concurring*,
- 13 That the compensation for the following officers for
- 14 the period commencing January 9, ~~1987~~ 1989 and ending
- 15 January 9, ~~1989~~ 7, 1991, shall be within the following
- 16 ranges:
- 17 Secretary of the Senate and Chief
- 18 Clerk of the House ..... ~~\$30,700~~ to ~~\$49,046~~
- 19 \$32,572 to \$56,628
- 20 Within the indicated ranges the exact compensation

21 shall be set or adjusted for the senate officers by  
 22 the senate rules and administration committee and for  
 23 the house officers by the house rules and  
 24 administration committee. The committees shall report  
 25 the exact compensation assigned to each position on  
 26 the next legislative day, or, if such action is during  
 27 the interim, on the first day the senate or house  
 28 shall convene. Any action by the senate or house to  
 29 disapprove or amend the report shall be effective the  
 30 day after the action.

**Page 2**

1 *Be It Further Resolved*, That the compensation of  
 2 the employees of the ~~seventy-second~~ seventy-third  
 3 general assembly is set, effective from January 9,  
 4 1987 ~~1989~~, until January 9, ~~1989~~ 7, 1991, in  
 5 accordance with the following salary schedule:

6	#8	#9	#10	#11	#12
7	\$9,318.40	\$9,796.80	\$10,296.00	\$10,816.00	\$11,356.80
8	4.48	4.71	4.95	5.20	5.46
9					
10	#13	#14	#15	#16	#17
11	\$11,039.20	\$12,542.40	\$13,166.40	\$13,832.00	\$14,497.60
12	5.74	6.03	6.33	6.65	6.97
13					
14	#18	#19	#20	#21	#22
15	\$15,184.00	\$15,912.00	\$16,702.40	\$17,472.00	\$18,324.80
16	7.30	7.65	8.03	8.40	8.81
17					
18	#23	#24	#25	#26	#27
19	\$19,219.20	\$20,113.60	\$21,091.20	\$22,110.40	\$23,171.20
20	9.24	9.67	10.14	10.63	11.14
21					
22	#28	#29	#30	#31	#32
23	\$24,273.60	\$25,459.20	\$26,644.80	\$27,955.20	\$29,265.60
24	11.67	12.24	12.81	13.44	14.07
25					
26	#33	#34	#35	#36	#37
27	\$30,700.80	\$32,156.80	\$33,696.00	\$35,318.40	\$37,003.20
28	14.76	15.46	16.20	16.98	17.79
29					
30	#38	#39	#40	#41	#42

**Page 3**

1	\$38,812.80	\$40,664.00	\$42,619.20	\$44,657.60	\$46,800.00
2	18.66	19.55	20.49	21.47	22.50
3	#8	#9	#10	#11	#12
4	\$9,880.00	\$10,379.20	\$10,920.00	\$11,460.80	\$12,043.20
5	4.75	4.99	5.25	5.51	5.79
6					
7	#13	#14	#15	#16	#17

8	<u>\$12,646.40</u>	<u>\$13,312.00</u>	<u>\$13,977.60</u>	<u>\$14,664.00</u>	<u>\$15,371.20</u>
9	<u>6.08</u>	<u>6.40</u>	<u>6.72</u>	<u>7.05</u>	<u>7.39</u>
10					
11	<u>#18</u>	<u>#19</u>	<u>#20</u>	<u>#21</u>	<u>#22</u>
12	<u>\$16,120.00</u>	<u>\$16,868.80</u>	<u>\$17,721.60</u>	<u>\$18,532.80</u>	<u>\$19,448.00</u>
13	<u>7.75</u>	<u>8.11</u>	<u>8.52</u>	<u>8.91</u>	<u>9.35</u>
14					
15	<u>#23</u>	<u>#24</u>	<u>#25</u>	<u>#26</u>	<u>#27</u>
16	<u>\$20,384.00</u>	<u>\$21,320.00</u>	<u>\$22,360.00</u>	<u>\$23,441.60</u>	<u>\$24,564.80</u>
17	<u>9.80</u>	<u>10.25</u>	<u>10.75</u>	<u>11.27</u>	<u>11.81</u>
18					
19	<u>#28</u>	<u>#29</u>	<u>#30</u>	<u>#31</u>	<u>#32</u>
20	<u>\$25,750.40</u>	<u>\$26,998.40</u>	<u>\$28,267.20</u>	<u>\$29,660.80</u>	<u>\$31,033.60</u>
21	<u>12.38</u>	<u>12.98</u>	<u>13.59</u>	<u>14.26</u>	<u>14.92</u>
22					
23	<u>#33</u>	<u>#34</u>	<u>#35</u>	<u>#36</u>	<u>#37</u>
24	<u>\$32,572.80</u>	<u>\$34,112.00</u>	<u>\$35,734.40</u>	<u>\$37,460.80</u>	<u>\$39,270.40</u>
25	<u>15.66</u>	<u>16.40</u>	<u>17.18</u>	<u>18.01</u>	<u>18.88</u>
26					
27	<u>#38</u>	<u>#39</u>	<u>#40</u>	<u>#41</u>	<u>#42</u>
28	<u>\$41,163.20</u>	<u>\$43,139.20</u>	<u>\$45,219.20</u>	<u>\$47,382.40</u>	<u>\$49,649.60</u>
29	<u>19.79</u>	<u>20.74</u>	<u>21.74</u>	<u>22.78</u>	<u>23.87</u>
30	In this schedule, each numbered block shall be the				

## Page 4

1 yearly and hourly compensation for the pay grade of  
2 the number heading the block. Within each grade there  
3 shall be six steps numbered "1" through "6". In the  
4 above schedule the steps for all grades are determined  
5 in the following manner. Each numbered block is  
6 counted as the "1" step for that grade. The next  
7 higher block is counted as the "2" step; the next  
8 higher block is the "3" step; the next higher block is  
9 the "4" step; the next higher block is the "5" step;  
10 the next higher block is the "6" step.

11 All employees shall be available to work daily  
12 until completion of the senate's and house of  
13 representatives' business. The secretary of the  
14 senate and chief clerk of the house shall schedule all  
15 employees' working hours to, as far as possible,  
16 maintain regular working hours.

17 All employees, other than those designated "part-  
18 time" shall be compensated for 40 hours of work in a  
19 one-week pay period. Secretaries to senators and  
20 representatives are presumed to have 40 hours of work  
21 each week the legislature is in session and shall be  
22 paid only on that basis. Except for the personnel  
23 designated to the contrary in this resolution,  
24 employees who are required to work in excess of 40  
25 hours in a one-week pay period shall either be  
26 compensated at a rate of pay equal to one and one-half

27 times the hourly pay provided in this resolution or  
 28 allowed compensatory time off at a rate of one and  
 29 one-half hours for each hour of overtime.  
 30 The following personnel shall not be paid an

**Page 5**

1 overtime premium:  
 2 Secretary of the Senate  
 3 Chief Clerk of the House  
 4 Assistant Secretary of the Senate  
 5 Assistant Chief Clerk of the House  
 6 Senate Legal Counsel  
 7 House Legal Counsel  
 8 Finance Officer  
 9 Senior Finance Officer  
 10 Senior Journal Editor  
 11 All Administrative Assistants  
 12 All Research Analysts  
 13 All Research Assistants  
 14 All Secretaries to Senators and Representatives  
 15 All Caucus Staff Directors  
 16 Administrative, Executive, and Confidential  
 17 Secretaries to Speaker, Leader or  
 18 Secretary of Senate or Chief Clerk of House  
 19 All employees shall be available to work daily  
 20 until completion of the senate's and house of  
 21 representatives' business. The secretary of the  
 22 senate and chief clerk of the house shall schedule all  
 23 employees' working hours to, as far as possible,  
 24 maintain regular working hours.  
 25 Be It Further Resolved, That part-time employees  
 26 shall be compensated at the scheduled hourly rate for  
 27 their pay grade and step.  
 28 *Be It Further Resolved,* That compensatory time off  
 29 shall be granted to employees not eligible for  
 30 overtime pay in a uniform manner for all legislative

**Page 6**

1 employees as determined by the legislative council.  
 2 *Be It Further Resolved,* That in the event the  
 3 salary schedule for employees of the State of Iowa as  
 4 promulgated by the personnel commission pursuant to  
 5 section 19A.9, subsection 2, Code 1987 1989, is  
 6 revised upward at any time during the ~~seventy-second~~  
 7 ~~seventy-third~~ general assembly, such revised schedule  
 8 shall simultaneously be adopted for the compensation  
 9 of the employees of the ~~seventy-second~~ ~~seventy-third~~  
 10 general assembly assigned a grade by this resolution.  
 11 The pay ranges of those positions specifically listed  
 12 on page one of this resolution shall be automatically  
 13 adjusted to reflect any cost of living increases

14 granted to those employees not included in the  
 15 collective bargaining agreement made final under  
 16 chapter 20 of the Code and increases provided by the  
 17 legislative council for agency directors.

18 *Be It Further Resolved*, That the employees of the  
 19 ~~seventy-second~~ seventy-third general assembly be  
 20 placed in the following pay grades:

Employees Of The House	
22 Assistant Chief Clerk of the House .....	Grade <del>33</del> 34
23 Legal Counsel II .....	Grade 33
24 Legal Counsel I .....	Grade 29
25 Caucus Staff Director .....	Grade 34
26 Sr. Caucus Staff Director .....	Grade 36
27 Administrative Assistant to Leader	
28     or Speaker I .....	Grade 27
29 Administrative Assistant to Leader	
30     or Speaker II .....	Grade 30

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1 Administrative Assistant to Leader	
2     or Speaker III .....	Grade 33
3 Sr. Administrative Assistant to	
4     Leader or Speaker .....	Grade 35
5 <u>Research Assistant</u> .....	Grade <u>24</u>
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 Secretary to Leader .....	Grade 19
11 Caucus Secretary .....	Grade 21
12 Administrative Secretary to Leader,	
13     Speaker, or Chief Clerk .....	Grade 21
14 Executive Secretary to Leader,	
15     Speaker or Chief Clerk .....	Grade 23
16 Confidential Secretary to Leader,	
17     Speaker, or Chief Clerk .....	Grade 26
18 Clerk to Chief Clerk .....	Grade 16
19 Supervisor of Sec/Computer <u>Trainer</u> .....	Grade <del>22</del> 23
20 <u>Senior Journal Editor</u> .....	Grade <u>29</u>
21 Journal Editor .....	Grade <del>25</del> <u>24</u>
22 Assistant Journal Editor .....	Grade 21
23 Compositor .....	Grade <del>20</del> 17
24 <u>Senior Finance Officer</u> .....	Grade <u>31</u>
25 Finance Officer <u>II</u> .....	Grade 27
26 Finance Officer <u>I</u> .....	Grade 24
27 Assistant Finance Officer .....	Grade 21
28 <u>Recording Clerk/Supervisor of Pages</u> .....	Grade <del>20</del> <u>21</u>
29 Assistant Legal Counsel .....	Grade 26
30 Assistant to the Legal Counsel and	

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1	Engrossing/Enrolling Clerk .....	Grade 24
2	Assistant to the Legal Counsel .....	Grade 16 17
3	Chief Indexer .....	Grade 21 24
4	<u>Indexer .....</u>	<u>Grade 21</u>
5	Indexing Assistant .....	Grade 18
6	Supply Clerk .....	Grade 15
7	Switchboard Operator .....	Grade 13
8	Legislative Secretary .....	Grade 15
9	Legislative Committee Secretary .....	Grade 17
10	Bill Clerk .....	Grade 13
11	Assistant Bill Clerk .....	Grade 12
12	Postmaster .....	Grade 11
13	Sergeant-at-Arms .....	Grade 16
14	Assistant Sergeant-at-Arms .....	Grade 13
15	Doorkeepers .....	Grade 10
16	Pages .....	Minimum Wage
17	Employees Of The Senate	
18	Assistant Secretary of the Senate .....	Grade 33 34
19	Legal Counsel II .....	Grade 33
20	Legal Counsel I .....	Grade 29
21	Caucus Staff Director .....	Grade 34
22	Sr. Caucus Staff Director .....	Grade 36
23	Administrative Assistant to Leader I .....	Grade 27
24	Administrative Assistant to Leader II .....	Grade 30
25	Administrative Assistant to Leader III .....	Grade 33
26	Sr. Administrative Assistant to Leader .....	Grade 35
27	<u>Research Assistant .....</u>	<u>Grade 24</u>
28	<u>Legislative Research Analyst I .....</u>	<u>Grade 27</u>
29	Legislative Research Analyst II .....	Grade 30
30	Legislative Research Analyst III .....	Grade 33

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1	Sr. Legislative Research Analyst .....	Grade 35
2	Caucus Secretary .....	Grade 21
3	Secretary to Leader .....	Grade 19
4	Administrative Secretary to Leader	
5	or Secretary of the Senate .....	Grade 21
6	Executive Secretary to Leader	
7	or Secretary of the Senate .....	Grade 23
8	Confidential Secretary to Leader	
9	or Secretary of the Senate .....	Grade 26
10	<u>Supervisor of Sec/Computer Trainer .....</u>	<u>Grade 23</u>
11	<u>Senior Journal Editor .....</u>	<u>Grade 29</u>
12	Journal Editor .....	Grade 25 24
13	Assistant Journal Editor/	
14	Assistant Finance Officer .....	Grade 23
15	Assistant Journal Editor .....	Grade 21
16	Compositor .....	Grade 20 17
17	Assistant Legal Counsel .....	Grade 26
18	Assistant to the Legal Counsel/	

19	Assistant Finance Officer .....	Grade 18
20	Assistant to the Legal Counsel .....	Grade 16 17
21	Senior Finance Officer .....	Grade 31
22	Finance Officer II .....	Grade 27
23	Finance Officer I .....	Grade 24
24	Assistant Finance Officer .....	Grade 21
25	Recording Clerk .....	Grade 20
26	Chief Indexer .....	Grade 21 24
27	Indexer .....	Grade 21
28	Indexing Assistant .....	Grade 18
29	Records and Supply Clerk .....	Grade 17
30	Switchboard Operator .....	Grade 13

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1	Legislative Secretary .....	Grade 15
2	Legislative Committee Secretary .....	Grade 17
3	Bill Clerk .....	Grade 13
4	Assistant Bill Clerk .....	Grade 12
5	Postmaster .....	Grade 11
6	Sergeant-at-Arms .....	Grade 16
7	Assistant Sergeant-at-Arms .....	Grade 13
8	Chief Doorkeeper .....	Grade 11
9	Doorkeepers .....	Grade 10
10	Porter .....	Grade 9
11	Pages .....	Minimum Wage

12 *Be It Further Resolved*, That there shall be four  
13 classes of appointments as employees of the general  
14 assembly:

15 A "permanent full-time" or "permanent part-time"  
16 employee is one who is employed the year around and  
17 eligible to receive state benefits.

18 An "exempt full-time" employee is one who is  
19 employed for the period of the sessions with  
20 extensions post-session and pre-session as scheduled.  
21 This class is eligible to receive state benefits with  
22 the cost of benefits to the state to be paid by the  
23 employee when not on the payroll.

24 A "session-only" employee is one who is employed  
25 for only a portion of the year, usually the  
26 legislative session. This class is not eligible for  
27 state benefits, except IPERS.

28 A "part-time" employee is one who is employed to  
29 work less than 40 hours per week. This class is not  
30 eligible for state benefits, except IPERS if eligible.

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1 *Be It Further Resolved*, That the exact  
2 classification for individuals in a job series created  
3 by this resolution shall be set or changed for senate  
4 employees by the senate rules and administration  
5 committee and for the house employees by the house

6 rules and administration committee. The committees  
7 shall base the classification upon the following  
8 factors:

- 9 1. The extent of formal education required of the  
10 position; and,
- 11 2. The extent of the responsibilities to be  
12 assigned to the position; and,
- 13 3. The amount of supervision placed over the  
14 position; and,
- 15 4. The number of persons the position is assigned  
16 to supervise and skill and responsibilities of those  
17 positions supervised.

18 The committees shall report the exact  
19 classifications assigned to each individual on the  
20 next legislative day, or, if such action is during the  
21 interim, on the first day the senate or house shall  
22 convene. Any action by the senate or house to  
23 disapprove a report or a portion of a report shall be  
24 effective the day after the action.

25 **Be It Further Resolved, That positions, titles and**  
26 **grades assigned in this resolution may be adjusted by**  
27 **affirmative vote of the Comparable Worth Appeals**  
28 **Committee and the senate rules and administration**  
29 **committee and the house rules and administration**  
30 **committee.**

**Page 12**

1 Recommendations for a pay grade for a new position  
2 shall be developed in accordance with the factor  
3 scores in the comparable worth report. Every four  
4 years the senate rules and administration committee,  
5 the house rules and administration committee, and the  
6 legislative council shall review all positions in the  
7 legislative branch to assure conformity to comparable  
8 worth.

9 *Be It Further Resolved, That a senator or*  
10 *representative may employ a secretary who in the*  
11 *judgment of the senator or representative employing*  
12 *such person, possesses the necessary skills to perform*  
13 *the duties such senator or representative shall*  
14 *designate, under the administrative direction, as*  
15 *appropriate, of the secretary of the senate or the*  
16 *chief clerk of the house.*

17 Each standing committee chairperson, ethics  
18 committee chairperson, and each appropriations  
19 subcommittee chairperson shall designate a secretary  
20 who has either: a) been certified by the personnel  
21 commission as having passed a typing and shorthand  
22 performance examination, or, b) has demonstrated  
23 competence in the use of the legislative computer  
24 system to be the Secretary to the Committee. Such

25 Secretary shall is competent to perform the following  
26 duties: prepare committee minutes, committee reports,  
27 type committee correspondence, maintain committee  
28 records, and otherwise assist the committee. Such  
29 duties shall be performed in accordance with standards  
30 which shall be provided by the secretary of the senate

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1 and chief clerk of the house. The chairperson of a  
2 senate or house committee may designate any secretary  
3 who has been certified by the personnel commission or  
4 who has demonstrated competence in the use of the  
5 legislative computer system to be the committee  
6 secretary. In making the designation, chairpersons  
7 shall consider persons for possible designation as the  
8 secretary to the committee in the following order:

9 First: The secretary to the chairperson.

10 Second: The secretary to the committee's vice-  
11 chairperson.

12 Third: The secretary to any other member of the  
13 committee.

14 Fourth: The secretary to any other member in the  
15 same house as the committee.

16 A designated committee secretary must be a person  
17 who has been certified by the personnel commission as  
18 having passed a typing performance examination of at  
19 least 40 words per minute, and a stenographic  
20 performance examination of 80 words per minute using  
21 either manual or machine dictation which will be  
22 transcribed with 80% or 95% accuracy respectively, or  
23 who has demonstrated competency in the use of the  
24 legislative computer system.

25 *Be It Further Resolved*, That a Legal Counsel II  
26 shall be a person who has graduated from an accredited  
27 school of law and is admitted to practice in Iowa as  
28 an Attorney and Counselor at Law and possesses either  
29 a Masters of Law degree or has at least two years of  
30 legal experience after admission to practice.

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1 A Legal Counsel I shall be a person who has  
2 graduated from an accredited school of law and is  
3 admitted to practice in Iowa as an Attorney and  
4 Counselor at Law.

5 *Be It Further Resolved*, That part-time employees  
6 shall be compensated at the scheduled hourly rate for  
7 their pay grade and step.

8 *Be It Further Resolved*, That employees of the  
9 general assembly may be eligible for either:

10 a) increases in salary grade or step based on  
11 evaluation of their job performance and

12 recommendations of their administrative officers,  
13 subject to approval of the senate committee on rules  
14 and administration or the house committee on rules and  
15 administration, as appropriate; or

16 b) mobility within pay steps at the discretion of  
17 the chief clerk of the house and the secretary of the  
18 senate, subject to the approval of the house committee  
19 on rules and administration or the senate committee on  
20 rules and administration, as appropriate — in accord  
21 with the following schedule:

22 (1) Progression from step "1" to "2" — twelve six  
23 months of actual employment.

24 (2) Progression from step "2" to "3", and step "3"  
25 to "4", and step "4" to "5" — twelve months of actual  
26 employment.

27 (3) Progression from step "5" to "6" — twenty  
28 four twelve months of actual employment.

29 Notwithstanding the provisions of the above  
30 paragraph, any employees of the general assembly, who,

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1 prior to the date of final passage of this resolution,  
2 were granted meritorious-based steps in their position  
3 which raised them beyond step six are subject to the  
4 following process in determining pay level:

5 a. as of the effective date of this resolution,  
6 the rate of the employees' compensation is to be set  
7 at the grade level assigned under this resolution, and  
8 the step level is to be set at the same level as that  
9 employee was assigned as of the date of final passage  
10 of this resolution;

11 b. the employees covered under this paragraph  
12 shall not be eligible for further compensation  
13 increases until such time as the actual compensation  
14 level for step six of their assigned grade exceeds  
15 their current compensation, at which time the employee  
16 shall move to step six of their assigned grade.

17 *Be It Further Resolved*, that in addition to the  
18 steps provided in the preceding paragraph, that  
19 secretaries to senators and representatives who were  
20 employees of the senate or house of representatives  
21 during any general assembly prior to January 9, 1989,  
22 and who have received certification for passing a  
23 typing and shorthand performance examination shall be  
24 eligible for two additional steps upon certification  
25 by the personnel commission that the secretary has  
26 passed the typing and shorthand performance  
27 examinations.

28 *Be It Further Resolved*, That in addition to the  
29 steps provided in the preceding paragraph, that  
30 secretaries to senators and representatives shall be

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1 eligible for a maximum of three additional grades  
2 beyond grade 15, in any combination, as provided in  
3 this paragraph:

4 1. One additional grade for a secretary to a  
5 standing committee chair, ethics committee chair or  
6 appropriations subcommittee chair who is not the  
7 designated committee secretary.

8 2. One additional grade for a secretary to a vice-  
9 chairperson or ranking member of a standing committee,  
10 ethics committee or appropriations subcommittee.

11 3. One additional grade for a secretary to the  
12 chairperson of the chaplain's committee.

13 4. Two additional grades for a secretary to an  
14 assistant floor leader or speaker pro tempore or  
15 president pro tempore.

16 *Be It Further Resolved*, That the entrance salary  
17 for employees of the general assembly shall be at step  
18 1 in the grade of the position held. Such employee  
19 may be hired above the entrance step if possessing  
20 outstanding and unusual experience for the position,  
21 provided that the entrance is not beyond step 3. Such  
22 employee who is hired above the entrance step shall be  
23 mobile above that step in the same period of time as  
24 other employees in that same step. An officer or  
25 employee who is moved to another position may be  
26 considered for partial or full credit for their  
27 experience in the former position in determining the  
28 step in the new grade.

29 The entry level for the position of research  
30 analyst shall be Legislative Research Analyst I,

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1 unless extraordinary conditions justify increasing  
2 that entry level; however, that entry level may not be  
3 increased beyond Legislative Research Analyst II. A  
4 research analyst must have shown knowledge of  
5 legislative rules and procedures as well as the Code  
6 of Iowa to be considered at any level above a  
7 Legislative Research Analyst I.

8 *Be It Further Resolved*, That a pay increase for  
9 employees of one step within the pay grade for the  
10 position may be made for exceptionally meritorious  
11 service in addition to step increases provided for in  
12 this resolution, upon recommendation of the secretary  
13 of the senate or chief clerk of the house and the  
14 approval of the senate committee on rules and  
15 administration or the house committee on rules and  
16 administration. Exceptionally meritorious service pay  
17 increases shall be governed by the following:

18 a. The employee must have served in the position

- 19 for at least twelve months;
- 20 b. Written justification, setting forth in detail
- 21 the nature of the exceptionally meritorious service
- 22 rendered, must be submitted to the senate rules and
- 23 administration committee or house rules and
- 24 administration committee and approved in advance of
- 25 granting the pay increase;
- 26 c. No more than one exceptionally meritorious
- 27 service pay increase may be granted in any twelve-
- 28 month period.
- 29 d. Such meritorious service pay increase shall not
- 30 be granted beyond the six-step maximum for that

**Page 18**

- 1 position.
- 2 *Be It Further Resolved*, That the secretary of the
- 3 senate and chief clerk of the house shall receive
- 4 applications for employment, arrange for any necessary
- 5 examinations, contact references and make
- 6 recommendations for hiring. The senate rules and
- 7 administration committee and the house rules and
- 8 administration committee shall both hire officers and
- 9 employees for their respective bodies and fill any
- 10 vacancies which may occur, to be effective at such
- 11 time as they shall set. The committee shall report
- 12 the names of those it has hired for the positions
- 13 specified in this resolution or the filling of any
- 14 vacancies on the next legislative day or, if such
- 15 action is during the interim, on the first day the
- 16 senate or house shall convene. Any action by the
- 17 senate or house to amend or disapprove a report or a
- 18 portion of a report shall be effective the day after
- 19 the action.
- 20 The chief clerk of the house shall submit to the
- 21 house committee on rules and administration and the
- 22 secretary of the senate shall submit to the senate
- 23 committee on rules and administration the list of
- 24 names, or amendments thereto, of employee
- 25 classifications and recommended pay step for each
- 26 officer and employee. Such list shall include
- 27 recommendations for the pay step for all employees.
- 28 Each respective committee shall approve or amend the
- 29 list of recommended classifications and pay steps and
- 30 publish said list in the journal. The secretary of

**Page 19**

- 1 the senate and the chief clerk of the house shall set
- 2 the period of employment of intermittent employees
- 3 under such direction as the senate rules and
- 4 administration committee and the house rules and
- 5 administration committee may provide.

6 *Be It Further Resolved*, That permanent employees of  
7 the general assembly shall receive vacation  
8 allowances, sick leave, health and accident insurance,  
9 life insurance, and disability income insurance as are  
10 provided for full-time permanent state employees. The  
11 computations shall be maintained by the finance  
12 officers in each house and coordinated with the  
13 department of management.

14 *Be It Further Resolved*, That should any employee  
15 have a grievance concerning their compensation, hours  
16 of work, performance of work, or other matter, the  
17 grievance shall be resolved as provided in this  
18 paragraph or by procedures determined by the senate  
19 rules and administration committee for senate  
20 employees or the house rules and administration  
21 committee for house employees.

22 The grievance shall first be brought to the  
23 attention of the secretary of the senate or chief  
24 clerk of the house, as appropriate. The procedure may  
25 be informal and oral except that the secretary or  
26 chief clerk shall give his or her final conclusion in  
27 writing.

28 An employee may appeal in writing an adverse ruling  
29 of the secretary or chief clerk to the senate rules  
30 and administration committee for senate employees or

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1 the house rules and administration committee for house  
2 employees which shall consider the grievance. The  
3 committee's consideration shall be informal except  
4 that accurate minutes shall be kept and the final  
5 conclusion shall be in writing.

6 Any employee having a grievance shall have access  
7 to all relevant house or senate records, may have the  
8 assistance of counsel, and, if the grievance involves  
9 a disciplinary action, shall have a written statement  
10 of the grounds for the disciplinary action.

11 *Be It Further Resolved*, That it is the intent of  
12 the general assembly that the legislative council  
13 adopt a resolution similar to this resolution which  
14 provides for the compensation and benefits of all  
15 legislative central staff agency employees for the  
16 seventy-third general assembly. The resolution shall  
17 be adopted as soon as practicable after the first  
18 meeting of the legislative council during the 1989  
19 session.

20 *Be It Further Resolved*, That the compensation of  
21 chaplains officiating at the opening of the daily  
22 sessions of the house of representatives and the  
23 senate of the ~~seventy-second~~ seventy-third general  
24 assembly be fixed at ten dollars for each house of the

25 general assembly, and that mileage for chaplains be  
26 fixed at the rate of twenty-one cents per mile to and  
27 from the State Capitol.

Arnould of Scott asked and received unanimous consent to defer action on Senate Concurrent Resolution 3 and that the resolution retain its place on the calendar.

On motion by Arnould of Scott, the House was recessed at 10:52 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of Senate Concurrent Resolution 3.

#### FURTHER CONSIDERATION OF HOUSE RESOLUTION 2

The House resumed consideration of House Resolution 2, a resolution relating to permanent rules of the House for the seventy-third general assembly, found on pages 94 through 116 of the House Journal, deferred January 12, 1989.

Trent of Muscatine offered the following amendment H-3024 filed by him and moved its adoption:

H-3024

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 6, line 8, by striking the word "speaker"
- 3 and inserting the following: "speaker chief clerk".

A non-record roll call was requested.

The ayes were 37, nays 47.

Amendment H-3024 lost.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H-3029, previously deferred, filed by him on January 11, 1989.

Hermann of Scott offered the following amendment H-3017 filed by him and moved its adoption:

H-3017

- 1 Amend House Resolution 2 as follows:
- 2 1. By striking page 7, line 29 through page 8,

3 line 1 and inserting the following:  
4 "3. A general assembly member's family who shall  
5 be restricted to the perimeter seating area only while  
6 the house is in session."

Amendment H—3017 was adopted.

Corbett of Linn offered the following amendment H—3031 filed by him and moved its adoption:

H—3031

1 Amend House Resolution 2 as follows:  
2 1. Page 8, by inserting after line 22, the  
3 following:  
4 "\_\_\_\_\_. Former pages of the house."

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H—3031 lost.

Harbor of Mills offered the following amendment H—3009 filed by him and Halvorson of Clayton and moved its adoption:

H—3009

1 Amend House Resolution 2 as follows:  
2 1. Page 15, by inserting after line 19 the  
3 following:  
4 "Individually sponsored bills shall not be  
5 reprinted as committee bills unless they are  
6 substantially amended in committee, with the exception  
7 of bills referred to the appropriations and ways and  
8 means committees."

A non-record roll call was requested.

The ayes were 31, nays 50.

Amendment H—3009 lost.

Corbett of Linn offered the following amendment H—3027 filed by him and moved its adoption:

H—3027

1 Amend House Resolution 2 as follows:  
2 1. Page 15, line 29, by inserting after the word  
3 "amendment." the following: "However, a member who  
4 was excused from attendance by the speaker of the  
5 house for an entire day may file an amendment to any  
6 bill on the following session day."

Amendment H—3027 lost.

Hester of Pottawattamie asked and received unanimous consent to withdraw amendment H—3022 filed by her on January 11, 1989.

Corbett of Linn offered the following amendment H—3019 filed by him and moved its adoption:

H—3019

- 1 Amend House Resolution 2 as follows:  
 2 1. Page 22, by inserting before line 1 the  
 3 following:  
 4 “Rule 45A  
 5 Standing Committees  
 6 The names of the standing committees of the house  
 7 shall be:  
 8 Agriculture  
 9 Appropriations  
 10 Economic Development  
 11 Education  
 12 Energy and Environmental Protection  
 13 Human Resources  
 14 Judiciary and Law Enforcement  
 15 Labor and Industrial Relations  
 16 Local Government  
 17 Natural Resources and Outdoor Recreation  
 18 Rules and Administration  
 19 Small Business and Commerce  
 20 State Government  
 21 Transportation  
 22 Ways and Means”.  
 23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H—3019 lost.

Petersen of Muscatine offered the following amendment H—3026 filed by him:

H—3026

- 1 Amend House Resolution 2 as follows:  
 2 1. Page 22, line 2, by inserting after the word  
 3 “Committees” the following: “and Committee  
 4 Chairpersons”.  
 5 2. Page 22, by inserting after line 4 the  
 6 following:  
 7 “All committee chairpersons shall be appointed by  
 8 the speaker of the house subject to the approval of a  
 9 majority of the members of the majority caucus. A  
 10 committee chairperson shall be entitled to continue as

11 chairperson in the succeeding general assembly unless  
 12 removed by a majority of the members of the majority  
 13 caucus.

14 The speaker of the house shall assign members to  
 15 interim committees and shall authorize trips for  
 16 members to legislative meetings and conferences from a  
 17 list of recommendations provided by the committee  
 18 chairperson of the appropriate committee."

Petersen of Muscatine offered the following amendment H—3032, to amendment H—3026, filed by him and moved its adoption:

H—3032

1 Amend the amendment, H—3026, to House Resolution 2  
 2 as follows:

3 1. Page 1, line 4, by inserting after the word  
 4 "Chairpersons" the following: "Vice Chairpersons,  
 5 and Ranking Members".

6 2. Page 1, line 7, by inserting after the word  
 7 "chairpersons" the following: "and vice  
 8 chairpersons".

9 3. Page 1, line 13, by inserting after the word  
 10 "caucus." the following: "All majority party  
 11 committee members shall be appointed by the speaker of  
 12 the house unless otherwise especially directed by the  
 13 house.

14 All committee ranking members shall be appointed by  
 15 the minority leader of the house subject to the  
 16 approval of a majority of the members of the minority  
 17 caucus. A committee ranking member shall be entitled  
 18 to continue as ranking member in the succeeding  
 19 general assembly unless removed by a majority of the  
 20 members of the minority caucus. All minority party  
 21 committee members shall be appointed by the minority  
 22 leader of the house unless otherwise especially  
 23 directed by the house."

Amendment H—3032 was adopted.

On motion by Petersen of Muscatine amendment H—3026, as amended, lost.

Schneklath of Scott offered the following amendment H—3021 filed by him and moved its adoption:

H—3021

1 Amend House Resolution 2 as follows:  
 2 1. Page 22, line 17, by inserting after the word  
 3 "bill." the following: "Each study bill shall bear  
 4 the name of the member who sponsored it."

Roll call was requested by Stromer of Hancock and Schnekloth of Scott.

On the question "Shall amendment H—3021 be adopted?"  
(H.R. 2)

The ayes were, 40:

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

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Connors	Jay	Shoultz	Svoboda
Swartz			

Amendment H—3021 lost.

Osterberg of Linn offered the following amendment H—3013 filed by him and Hanson of Delaware and moved its adoption:

H—3013

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 23, line 14, by striking the words "while
- 3 a committee is meeting" and inserting the following:
- 4 "while a committee is meeting".

A non-record roll call was requested.

The ayes were 51, nays 38.

Amendment H—3013 was adopted.

Schrader of Marion offered the following amendment H—3014 filed by him and moved its adoption:

H—3014

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 23, by inserting after line 18 the
- 3 following:
- 4 "Rule 50A
- 5 NONDEGRADABLE POLYSTYRENE CUPS
- 6 The use of nondegradable polystyrene cups shall not
- 7 be permitted on the floor of the house, at the
- 8 speaker's station, or in the press boxes."
- 9 2. By renumbering as necessary.

Amendment H—3014 was adopted.

Metcalf of Polk offered the following amendment H—3010 filed by her and moved its adoption:

H—3010

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 24, line 3, by inserting after the word
- 3 "each" the following: "session".
- 4 2. Page 24, line 5, by striking the words "period
- 5 unless" and inserting the following: "period; this
- 6 provision does not apply if".

Amendment H—3010 was adopted.

Doderer of Johnson offered the following amendment H—3015 filed by Doderer, et al., and moved its adoption:

H—3015

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 24, by striking lines 2 through 6.

A non-record roll call was requested.

The ayes were 54, nays 36.

Amendment H—3015 was adopted, placing out of order amendment H—3010, previously adopted.

Stromer of Hancock offered the following amendment H—3035 filed by him from the floor and moved its adoption:

H—3035

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 24, line 10, by inserting after the word
- 3 "prohibited" the following: "; this provision shall
- 4 apply anytime a majority of the members of a committee
- 5 are present".

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

On the question "Shall amendment H—3035 be adopted?"  
(H.R. 2)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Groninga	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 2:

Black Jay

Amendment H—3035 lost.

Arnould of Scott asked and received unanimous consent that House Resolution 2 be deferred and that the resolution retain its place on the calendar.

### FURTHER CONSIDERATION OF SENATE CONCURRENT RESOLUTION 3

The House resumed consideration of Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-third general assembly (found on pages 125 through 138 of the House Journal), previously deferred.

Hansen of Woodbury in the chair at 5:05 p.m.

Halvorson of Clayton offered the following amendment H—3034 filed from the floor by Halvorson of Clayton, Harbor and Siegrist and moved its adoption:

H—3034

1 Amend Senate Concurrent Resolution 3, as passed by  
2 the Senate, as follows:

3 1. Page 12, by striking lines 22 through 24 and  
4 inserting the following: "~~performance examination,~~  
5 ~~or, b)~~ has demonstrated competence in the use of the  
6 legislative computer system to be the Secretary to the  
7 Committee. ~~Such and who~~".

8 2. Page 13, by striking lines 1 through 6 and  
9 inserting the following: "and chief clerk of the  
10 house. The chairperson of a senate or house committee  
11 may designate any secretary ~~who has been certified by~~  
12 ~~the personnel commission or who has demonstrated~~  
13 competence in the use of the legislative computer  
14 system to be the committee secretary. In making the  
15 designation, chairpersons".

16 3. Page 13, by striking lines 16 through 24 and  
17 inserting the following:

18 "A designated committee secretary must be a person  
19 ~~who has been certified by the personnel commission as~~  
20 ~~having passed a typing performance examination of at~~  
21 ~~least 40 words per minute, and a stenographic~~  
22 ~~performance examination of 80 words per minute using~~  
23 ~~either manual or machine dictation which will be~~  
24 ~~transcribed with 80% or 95% accuracy respectively, or~~  
25 who has demonstrated competency in the use of the  
26 legislative computer system as certified by the  
27 legislative computer support bureau."

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—3034 be adopted?"  
(S.C.R. 3)

The ayes were, 41:

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

The nays were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Hammond
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Hansen, S. D. Presiding		

Absent or not voting, 5:

Black	Doderer	Fey	Jay
Jochum			

Amendment H—3034 lost.

Speaker Avenson in the chair at 5:25 p.m.

Carpenter of Polk offered the following amendment H—3036 filed by her and Halvorson of Clayton from the floor and moved its adoption:

H—3036

- 1 Amend Senate Concurrent Resolution 3 as passed by
- 2 the Senate, as follows:
- 3 1. Page 15, line 27, by inserting after the word
- 4 "examinations" the following: "and that secretaries
- 5 to senators and representatives who were not employees
- 6 of the senate or house of representatives during any

7 general assembly prior to January 9, 1989, shall be  
 8 eligible for one additional step if the secretaries  
 9 demonstrate competency in the use of the legislative  
 10 computer system”.

Roll call was requested by Carpenter of Polk and Hermann of Scott.

On the question “Shall amendment H—3036 be adopted?”  
 (S.C.R. 3)

The ayes were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clárk	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Johnson	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shearer	Shoning	Shultz
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 55:

Adams	Arnould	Beatty	Bigignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 2:

Black Jay

Amendment H—3036 lost.

On motion by Connors of Polk Senate Concurrent Resolution 3 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 16, 1989.

STROMER of Hancock

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, January 11, 1989. Had I been present, I would have voted "aye" on amendments H—3001 and H—3002 to Senate Concurrent Resolution 2 and Senate Concurrent Resolution 2.

SIEGRIST of Pottawattamie

## 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 1990-1999 Ten-Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

### DEPARTMENT OF COMMERCE

The Study Evaluating the Feasibility of Adopting Financial Responsibility Rules for the Professions in the Professional Licensing and Regulation Division, pursuant to Chapter 1274, Sec. 14, 1988 Acts of the Seventy-second General Assembly.

### DEPARTMENT OF CORRECTIONS

The Proposed Plan for Centralized Educational Administration for Correctional Facilities, pursuant to Chapter 1271, Sec. 4(2), 1988 Acts of the Seventy-second General Assembly.

A report on Administration of Probation and Parole Interstate Compact, pursuant to Chapter 1271, Sec. 5(1), 1988 Acts of the Seventy-second General Assembly.

### DEPARTMENT OF NATURAL RESOURCES

A report on infectious waste management in Iowa, pursuant to Chapter 1197, Sec. 4, 1988 Acts of the Seventy-second General Assembly.

### IOWA HEALTH DATA COMMISSION

The Annual Report of the Iowa Health Data Commission, pursuant to Chapter 145.6, Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 62 Local Government**

Requiring county treasurers to refuse renewals of vehicle registrations when notified that a person has not paid certain fines, unsecured appearance bonds, costs, or surcharges.

**H.S.B. 63 Economic Development**

Relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions by counties and cities.

**H.S.B. 64 Judiciary and Law Enforcement**

Relating to court proceedings involving child support orders where the dependent child resides in another state.

**H.S.B. 65 Judiciary and Law Enforcement**

Relating to certain enforcement activities and responsibilities of the department of inspections and appeals and related agencies and governmental entities; clarifying and expanding the powers and duties of the department of inspections and appeals with respect to hearings, appeals, and review under certain licensing and public assistance laws; providing for confidentiality of information; providing subpoena power; requiring health care vendors and providers convicted in medical assistance cases to make restitution for state and county investigatorial and prosecutorial costs; and providing properly related matters.

**H.S.B. 66 Judiciary and Law Enforcement**

Prohibiting deferred judgments for certain sex offenses against children.

**H.S.B. 67 Judiciary and Law Enforcement**

Relating to the elimination of the limit on restitution which can be ordered of a person convicted of, or receiving a deferred judgment for, the offense of operating a motor vehicle while intoxicated.

**H.S.B. 68 Judiciary and Law Enforcement**

Requiring notification to crime victims of the expiration of a criminal offender's sentence.

**H.S.B. 69 Judiciary and Law Enforcement**

Relating to the use of deadly force by correctional or peace officers to prevent an escape.

**H.S.B. 70 Judiciary and Law Enforcement**

Relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

**H.S.B. 71 Judiciary and Law Enforcement**

Relating to the release of child abuse information to certain individuals.

**H.S.B. 72 Judiciary and Law Enforcement**

Establishing the crime of sexual misconduct with offenders, and making penalties applicable.

**H.S.B. 73 Judiciary and Law Enforcement**

Relating to testing a person for contagious infectious diseases while committed to the custody of the department of corrections, and providing a penalty.

**H.S.B. 74 Judiciary and Law Enforcement**

Creating the crime of interference by a prisoner with the official acts of correctional officers and personnel, and providing penalties.

**H.S.B. 75 Judiciary and Law Enforcement**

Relating to the crime victim reparation program and providing for the Act's applicability.

**H.S.B. 76 Judiciary and Law Enforcement**

Relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

**H.S.B. 77 Judiciary and Law Enforcement**

Relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court.

**H.S.B. 78 Judiciary and Law Enforcement**

Relating to the certification of persons engaged in the profession of shorthand reporting.

**H.S.B. 79 Judiciary and Law Enforcement**

Establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons.

**H.S.B. 80 Judiciary and Law Enforcement**

Relating to the definition of public accommodation under the civil rights' law.

**H.S.B. 81 Energy and Environmental Protection**

To provide clean air and water in this state, and subjecting violators to an existing penalty.

**H.S.B. 82 Energy and Environmental Protection**

Relating to the deposit of certain petroleum overcharge funds in a separate interest bearing account.

**H.S.B. 83 Small Business and Commerce**

Relating to individual and group accident and sickness insurance, non-profit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions.

**H.S.B. 84 State Government**

Relating to additional retirement benefits for peace officers of the state department of transportation, and providing for payment of the employer share of the cost of the additional benefits.

**H.S.B. 85 State Government**

Relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the audit responsibilities of the department, and providing other properly related matters.

**H.S.B. 86 State Government**

Relating to elections and election procedures.

**H.S.B. 87 State Government**

Relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught.

**H.S.B. 88 State Government**

Relating to forms for the registration of voters.

**H.S.B. 89 State Government**

Relating to state licensing of asbestos professionals who perform work in schools.

**H.S.B. 90 State Government**

Relating to the rulemaking authority of the labor commissioner.

**H.S.B. 91 State Government**

Relating to canteen funds under the authority of the director of the department of corrections.

**H.S.B. 92 State Government**

Relating to the time period for which an annual accounting report for the revolving farm fund is filed.

**H.S.B. 93 State Government**

Relating to the qualifications for appointment as the director of the department of corrections.

**H.S.B. 94 State Government**

Relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry.

**H.S.B. 95 State Government**

Requiring certain police, fire, and emergency telephone services to purchase and operate a telecommunications device for the deaf.

**H.S.B. 96 State Government**

Relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, expenses of employees of the department of revenue and finance, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

**H.S.B. 97 State Government**

Allowing certain elections to be conducted by mail ballots, providing penalties, and providing for the prospective repeal of the Act.

**H.S.B. 98 State Government**

Relating to elections by revising provisions designating the state registrar of voters and providing for technical data processing services in connection with voter registration and participation.

**H.S.B. 99 State Government**

Relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs.

**H.S.B. 100 State Government**

Relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 46**

Natural Resources and Outdoor Recreation: Swartz, Chair; Koenigs and McKean.

**House Study Bill 47**

Natural Resources and Outdoor Recreation: Fuller, Chair; Schrader and Stueland.

**House Study Bill 48**

Natural Resources and Outdoor Recreation: May, Chair; Maulsby and Swartz.

**House Study Bill 49**

Natural Resources and Outdoor Recreation: Osterberg, Chair; Johnson and McKean.

**House Study Bill 50**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Fuller and Royer.

**House Study Bill 51**

Natural Resources and Outdoor Recreation: Tabor, Chair; Lykam and Stueland.

**House Study Bill 61**

Agriculture: Osterberg, Chair; Gruhn, Mertz, Pellett and Stueland.

**CERTIFICATE OF RECOGNITION**

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

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

1989-1 Casey Lawrence, Missouri Valley High School — Selected for the 1988 Des Moines Register First Team, Class 2-A, All-State Football Team.

On motion by Arnould of Scott, the House adjourned at 5:37 p.m., until 9:00 a.m., Tuesday, January 17, 1989.

# JOURNAL OF THE HOUSE

Ninth Calendar Day — Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 17, 1989

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 Monday, January 16, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 45**, by Hatch, a bill for an act relating to the creation of an Iowa heritage corps, providing for powers and duties of its director, and making an appropriation.

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

**House File 46**, by Harbor, Royer, Branstad, Diemer, Halvorson of Clayton, Banks and Spenner, a bill for an act relating to the prohibition of a candidate defeated in a primary election from having that candidate's name placed on the following general election ballot.

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

**House File 47**, by Svoboda, a bill for an act requiring railroad cars to have a metallic strip or a painted stripe of metallic fluorescent paint along the length of the car and providing a penalty.

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

**House File 48**, by Dvorsky, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance.

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

**House File 49**, by Sherzan, a bill for an act relating to benefits provided to permanent, part-time employees.

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

**House File 50**, by Siegrist, Hester and Hermann, a bill for an act

prohibiting the rental of certain material depicting a sex act involving sadomasochistic abuse, excretory functions, or bestiality, and providing a penalty.

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

**House File 51**, by Hermann, a bill for an act requiring information regarding tobacco use to be contained on death certificates.

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

**House File 52**, by Renaud, a bill for an act relating to the notification or testing of persons receiving health or correctional services regarding the human immunodeficiency virus.

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

**House File 53**, by Hester, a bill for an act relating to the crime of sexual abuse in the third degree involving participants of various ages.

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

**House File 54**, by Shoultz, Gruhn and Hammond, a bill for an act creating an advisory council on head injuries, and making an appropriation.

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

**House File 55**, by Doderer, a bill for an act excluding from income for purposes of the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

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

**House File 56**, by Gruhn, a bill for an act relating to the calculation of the budget enrollment of reorganized school districts and providing an effective date.

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

**House File 57**, by Svoboda and Fuller, a bill for an act relating to the limitation of criminal actions involving sexual abuse of children under sixteen years of age.

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

**House File 58**, by Diemer, Spenner and Banks, 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 59**, by Muhlbauer, a bill for an act relating to the purchase and sale of grain, providing fees and a penalty, and providing effective and applicability dates.

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

On motion by Arnould of Scott, the House was recessed at 9:13 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 11:59 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:

Plasier of Sioux, until his return, on request of Miller of Cherokee.

#### 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 12, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 24, a bill for an act relating to the expansion of the suspension period of certain provisions of the federal Resource Conservation and Recovery Act.

JOHN F. DWYER, Secretary

#### MOTION TO RECONSIDER WITHDRAWN (Senate Concurrent Resolution 3)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-third general assembly, filed by him on January 16, 1989.

## FURTHER CONSIDERATION OF HOUSE RESOLUTION 2

The House resumed consideration of House Resolution 2, a resolution relating to permanent rules of the House for the seventy-third general assembly (found on pages 94 through 116 of the House Journal), previously deferred.

Tyrrell of Iowa offered the following amendment H—3006 filed by him and moved its adoption:

H—3006

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 25, line 3, by striking the word "may"
- 3 and inserting the following: "~~may~~ shall".
- 4 2. Page 25, by striking lines 6 through 10 and
- 5 inserting the following:
- 6 "a. The time the meeting was scheduled to convene.
- 7 a b. The time the meeting convened.
- 8 b c. The members present at the time the meeting
- 9 convened.
- 10 e d. The time the meeting adjourned.
- 11 d e. A list of all bills receiving final
- 12 considered by the committee and the disposition of
- 13 each."

A non-record roll call was requested.

The ayes were 37, nays 47.

Amendment H—3006 lost.

Metcalf of Polk offered the following amendment H—3007 filed by her and moved its adoption:

H—3007

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 27, by inserting after line 9 the
- 3 following:
- 4 "Rule 58A
- 5 Amendments Considered in Committee
- 6 No amendment which is not a clarifying or cor-
- 7 rective amendment shall be considered if the amendment
- 8 was not distributed to the committee members on the
- 9 previous legislative day. This rule does not apply to
- 10 the appropriations and ways and means committees."
- 11 2. By renumbering as necessary.

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

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

The ayes were, 37:

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

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 7:

Black	Blanshan	Jay	McKean
McKinney	Plasier	Siegrist	

Amendment H—3007 lost.

Tyrrell of Iowa asked and received unanimous consent to defer action on amendment H—3005 until after consideration of amendment H—3012.

Corbett of Linn offered the following amendment H—3012 filed by him and moved its adoption:

H—3012

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 33, by striking lines 12 through 29 and
- 3 inserting the following:
- 4 "~~Upon direction of the speaker or upon request of~~

5 two members during the taking of the vote of the house  
 6 on any question, only those members at their desks and  
 7 voting shall be counted except:

8 a. Members who have not voted may record their  
 9 votes on any record roll call vote except quorum calls  
 10 within ten minutes after the vote has been announced,  
 11 providing the vote does not change the outcome of the  
 12 vote on that question. A member may request  
 13 announcement of the names of members so recorded after  
 14 the ten-minute period.

15 b. Members meeting in a conference committee or in  
 16 administrative rules review committee at the time a  
 17 vote is taken on a question may have their vote  
 18 recorded within 30 minutes or adjournment, whichever  
 19 is first of that same legislative day, providing the  
 20 vote does not change the outcome of the vote on that  
 21 question.

22 Upon direction of the speaker or upon request of  
 23 two members during the taking of the vote of the house  
 24 on any question, only those members at their desks and  
 25 voting shall be counted, except that members meeting  
 26 in a conference committee or in the administrative  
 27 rules review committee at the time the vote is taken,  
 28 may have any record roll call vote recorded within  
 29 thirty minutes after the vote was announced, or by  
 30 adjournment, whichever is first, of that same  
 31 legislative day, providing the vote does not change  
 32 the outcome of the vote on that question.

33 During the vote on all record roll calls and final  
 34 passage, the voting machine shall be kept open for  
 35 five minutes. When the voting machine is opened for  
 36 voting on all record roll calls on final passage, the  
 37 members shall be notified of that fact by a bell  
 38 system audible in the lounge and rotunda."

A non-record roll call was requested.

The ayes were 35, nays 56.

Amendment H—3012 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3005 (previously deferred), filed by him on January 11, 1989.

Connors of Polk in the chair at 4:08 p.m.

McKean of Jones offered the following amendment H—3020 filed by him and moved its adoption:

H—3020

1 Amend House Resolution 2 as follows:

2 1. Page 35, line 18, by inserting after the word

3 "shall" the following: "not".

4 2. Page 35, by inserting after line 20 the  
5 following:

6 "The votes and vote totals shall be displayed on  
7 the board at the time the presiding officer announces  
8 the result of the vote."

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H—3020 lost.

McKean of Jones asked and received unanimous consent to withdraw amendment H—3025 filed by him on January 11, 1989.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—3033 filed by him on January 12, 1989.

Teaford of Black Hawk offered the following amendment H—3037 filed by her from the floor and moved its adoption:

H—3037

1 Amend House Resolution 2 as follows:

2 1. Page 17, by striking lines 1 through 14 and  
3 inserting the following:

4 "The majority floor leadership shall cause a weekly  
5 debate calendar to be prepared and distributed to the  
6 house members by the chief clerk. The weekly debate  
7 calendar shall be the last regular calendar of the  
8 preceding week with an addendum by noon of that day  
9 consisting of bills that are read in on that day as  
10 reported out of committee and provided that copies of  
11 the bills on the addendum are available by 4:00 p.m.  
12 or by adjournment of that day, whichever is later. A  
13 bill, other than an appropriations or ways and means  
14 committee bill or a bill which has passed both houses  
15 in different forms, not listed on the weekly debate  
16 calendar shall not be considered by the house during  
17 the week covered by the weekly debate calendar."

18 2. Page 17, lines 19 and 20, by striking the  
19 words "from the weekly debate calendar" and inserting  
20 the following: "from the weekly debate calendar".

21 3. Page 19, line 17, by striking the words "one  
22 day" and inserting the following: "one day two days".

Roll call was requested by Stromer of Hancock and Miller of Cherokee.

On the question "Shall amendment H—3037 be adopted?"  
(H.R. 2)

The ayes were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Sherzan	Shultz	Stromer
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

The nays were, 42:

Banks	Beaman	Bennett	Black
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Johnson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Osterberg	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shearer
Shoning	Spear	Spenner	Stueland
Trent	Van Maanen		

Absent or not voting, 4:

Avenson, Spkr.	Jay	Siegrist	Tyrrell
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Amendment H—3037 was adopted.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session and consideration of House Resolution 2 at 5:30 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House Resolution 2 be deferred and that the resolution retain its place on the calendar.

### MOTION TO RECONSIDER (Amendment H—3037 to House Resolution 2)

I move to reconsider the vote by which amendment H—3037 to House Resolution 2 was adopted by the House on January 17, 1989.

TEAFORD of Black Hawk

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 ... Bill Brewer, Ken Sullivan
Lee Enterprises ... Scott R. Grau, Chris Knight
Iowa Newspaper Association ... Harrison Weber
Waterloo Courier ... Eric Woolson
United Press International ... John Peterson, Jackie King
Des Moines Register ... David Yepsen, Tom Fogarty, Jonathan Roos
Associated Press ... Mike Glover, David Speer, Charles Neibergall, John Gaps, Jeff Davis, Todd Endorf, Kevin Miyazaki

EAST PRESS GALLERY

- KCCI TV ... Chris Linstad, Donna Smith, Dana Cardin, Michael Ericson, Tim Bloomquist, Tom Torpy, Mike Sims, Eric Ulbrich, Cortney Kintzer
IA Legislative News Services ... Jo Von Stein, Nan Stillians, Nan Hagen
WHO AM ... Kevin Teale, Jodi Chapman, Bob Quinn, Ev Hickman
WHO TV ... Scott Pope, Dana Placko, Janet Whitters, Brian Reinke, Mike Borland, Stuart Rauh, Steve Carns
Telegraph Herald ... John Kirsch
Iowa Radio Network ... C. Ross Martin, Chuck Seals
KRNT/Q102 Radio ... Julie Johnston, Mick Trier, Dale Woolery, Jennifer Marnowski, Robin Shepard, Lisa Haines, Laura Sauser, Mike Whitesell
WOI TV ... Jeff Nowakowski, Steve Karlin, Susan Buehler, Diane Daniels, Galen Svanas, Rick Fuller, Anne White, Clyde Rail, John Clough, Lynn Longo, Elaine Duvall, John McNulty
WOI AM (and balcony) ... Jim Wishner, Joyce Russell

## GENERAL ASSIGNMENT

The following named persons are accredited members of the press and entitled to access to the House chamber:

KASI/KCCQ .....	Rich Fellingham, Tom McDonnell
Radio Iowa (and west balcony) .....	O. Kay Henderson, Bob Pyle, Todd Kimm, Dennis Sutterer
Sioux City Journal .....	David Opfermann
KTCB TV .....	Julie A. Kraft
KTIV Television .....	John Grosvenor
Shopper-News Network .....	Scott Koeneman, Rick Hawbaker

## COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

### DEPARTMENT OF NATURAL RESOURCES

The annual report on toxic cleanup days conducted by the department, pursuant to Chapter 455F.8, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 101 State Government**

Establishing a system of electronic banking for payment of alcoholic liquor by class "E" liquor control licensees.

#### **H.S.B. 102 State Government**

Relating to increasing license fees for certain persons engaged in the commercial care of animals.

#### **H.S.B. 103 State Government**

Relating to the refund value on empty wine and alcoholic liquor containers sold in state liquor stores.

#### **H.S.B. 104 State Government**

Relating to the quantity of alcoholic liquor which may be imported by an individual into the state.

#### **H.S.B. 105 State Government**

Relating to the sale or delivery of alcoholic liquor on designated holidays.

#### **H.S.B. 106 State Government**

Relating to licensing requirements of liquor control licensees, wine and beer permittees, and holders of special permits, and investigation of applicants for liquor control licenses and permits.

**H.S.B. 107 State Government**

Relating to alcoholic beverages regulation by increasing the amount of the penal bond posted by class "A" beer wholesalers and class "A" wine wholesalers, permitting claims against penal bonds for failure or refusal to pay tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules.

**H.S.B. 108 State Government**

Permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law.

**H.S.B. 109 State Government**

Authorizing the director of general services to establish a revolving postal fund to meet the cost of the state's central mail unit.

**H.S.B. 110 State Government**

Relating to the elimination of the risk management division of the department of general services.

**H.S.B. 111 State Government**

Relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

**H.S.B. 112 Labor and Industrial Relations**

Relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

**H.S.B. 113 Human Resources**

Relating to the practice of tattooing and providing penalties.

**H.S.B. 114 Human Resources**

Relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

**H.S.B. 115 Human Resources**

Relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators.

**H.S.B. 116 Human Resources**

Relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

**H.S.B. 117 Transportation**

Relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation.

**H.S.B. 118 Transportation**

Establishing a minimum allocation from the public transit assistance fund for elderly transportation programs.

**H.S.B. 119 Transportation**

Regarding the application process for federal airport funds and mandating that governmental subdivisions, commissions, and authorities submit the applications to the state department of transportation for approval.

**H.S.B. 120 Transportation**

Relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

**H.S.B. 121 Natural Resources and Outdoor Recreation**

Authorizing the adoption of a schedule of fees by the natural resource commission for applications and administration of permits or conditional permits.

**H.S.B. 122 Natural Resources and Outdoor Recreation**

Exempting wetlands under the jurisdiction of the department of natural resources from drainage district assessments.

**H.S.B. 123 Natural Resources and Outdoor Recreation**

Relating to the duties of the natural resource commission, the environmental protection commission, and the state advisory board for preserves with respect to budget recommendations, budget approval, and reporting requirements.

**H.S.B. 124 Natural Resources and Outdoor Recreation**

Prohibiting the operation of motor vehicles in streambeds with exceptions and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 2**

Labor and Industrial Relations: Sherzan, Chair; Connors and Tyrrell.

**House File 8**

State Government: Connors, Chair; Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 10**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 22**

Transportation: Cohoon, Chair; Royer and Shearer.

**House File 25**

State Government: Knapp, Chair; Beatty, Poncey, Tyrrell and Van Maanen.

**House File 28**

Energy and Environmental Protection: Osterberg, Chair; Bisignano and McKean.

**House File 31**

Transportation: Muhlbauer, Chair; Brown and Spenner.

**House File 32**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 34**

State Government: Pavich, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Renken and Teaford.

**House File 37**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House File 38**

State Government: Connors, Chair; Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 42**

State Government: Blanshan, Chair; Poncey and Renken.

**House File 43**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 49**

Labor and Industrial Relations: Wise, Chair; Harper and Hermann.

**House File 59**

Agriculture: Muhlbauer, Chair; Branstad, De Groot, Hibbard and May.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 28**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 29**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 30**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 31**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 32**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 33**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 34**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 35**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 36**

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

**House Study Bill 37**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 38**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 39**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 40**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 41**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 42**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 43**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 44**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 45**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 53**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 62**

Local Government: Muhlbauer, Chair; Fuller and Renken.

**House Study Bill 81**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 82**

Energy and Environmental Protection: Schrader, Chair; Hansen of Woodbury and Rosenberg.

**House Study Bill 84**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House Study Bill 85**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**House Study Bill 86**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House Study Bill 87**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**House Study Bill 88**

State Government: Pavich, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Renken and Teaford.

**House Study Bill 89**

State Government: Poncey, Chair; Beatty, Knapp, Tyrrell and Van Maanen.

**House Study Bill 90**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House Study Bill 91**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 92**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House Study Bill 93**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 94**

State Government: Beatty, Chair; Knapp, Poncey, Tyrrell and Van Maanen.

**House Study Bill 95**

State Government: Buhr, Chair; Doderer, Poncey, Renken and Shoning.

**House Study Bill 96**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 97**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House Study Bill 98**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House Study Bill 99**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**House Study Bill 100**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**House Study Bill 101**

State Government: Hammond, Chair; Carpenter, Peterson of Carroll, Renaud and Shoning.

**House Study Bill 102**

State Government: Knapp, Chair; Beatty, Poncey, Tyrrell and Van Maanen.

**House Study Bill 103**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House Study Bill 104**

State Government: Peterson of Carroll, Chair; Carpenter, Hammond, Renaud and Shoning.

**House Study Bill 105**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House Study Bill 106**

State Government: Peterson of Carroll, Chair; Carpenter, Hammond, Renaud and Shoning.

**House Study Bill 107**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House Study Bill 108**

State Government: Hammond, Chair; Carpenter, Peterson of Carroll, Renaud and Shoning.

**House Study Bill 109**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**House Study Bill 110**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 111**

State Government: Blanshan, Chair; Poney and Renken.

**House Study Bill 117**

Transportation: Gruhn, Chair; Schnekloth and Shearer.

**House Study Bill 118**

Transportation: Fey, Chair; Pavich and Spenner.

**House Study Bill 119**

Transportation: Renaud, Chair; Branstad and Cohoon.

**House Study Bill 120**

Transportation: Koenigs, 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 LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 22), relating to the notification of the city development board of public hearings for proposed urban revitalization plans.

Fiscal Note is not required.

Recommended **Do Pass** January 16, 1989.

RESOLUTION FILED

**HR 3**, by Fey, a resolution recommending the issuance of a commemorative stamp for the 100th anniversary of the chiropractic profession.

Laid over under **Rule 25**.

On motion by Arnould of Scott, the House adjourned at 5:31 p.m., until 9:00 a.m., Wednesday, January 18, 1989.

# JOURNAL OF THE HOUSE

Tenth Calendar Day — Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 18, 1989

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 Tuesday, January 17, 1989 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 3**, by Spear, 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 Joint Resolution 4**, by Spear, 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 is entitled to the privilege of an elector.

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

**House File 60**, by Groninga, a bill for an act relating to conflicts of interest of agency officials, local officials, employees, and local employees.

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

**House File 61**, by Hermann, 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 62**, by Clark, a bill for an act relating to the penalty for assaulting a person acting as a referee, umpire, linesman, or other sports official and providing a penalty.

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

**House File 63**, by Clark, a bill for an act relating to establishing paternity.

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

**House File 64**, by Hermann, a bill for an act relating to the qualifications of chief administrative assistants to veterans affairs commissions in counties of one hundred thousand or more population.

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

**House File 65**, by McKean, a bill for an act relating to medical assistance eligibility of certain recipients of federal Medicare and providing an effective date.

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

**House File 66**, by Halvorson of Clayton, a bill for an act relating to damages payable for loss of consortium.

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

**House File 67**, by Halvorson of Clayton, a bill for an act requiring that community-based correctional employees be considered employees of the state.

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

**House File 68**, by Sherzan, a bill for an act to provide for payment of prevailing wage rates on public construction projects and to provide enforcement through the labor commissioner and providing penalties.

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

**House File 69**, by Fuller, a bill for an act relating to the dissolution of the Eldora Cemetery Society, Incorporated and the disposition of its property, and providing effective dates.

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

**House File 70**, 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 and making a penalty applicable.

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

**House File 71**, by Renaud, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

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

**House File 72**, by committee on local government, a bill for an act relating to the notification of the city development board of public hearings for proposed urban revitalization plans.

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

**House File 73**, by Rosenberg, a bill for an act relating to municipal support of projects by providing municipalities authority to enter into agreements concerning restrictions on the relocation of funded projects.

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

**House File 74**, by 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 **human resources**.

#### SENATE MESSAGE CONSIDERED

**Senate File 24**, by committee on environment and energy utilities, a bill for an act relating to the expansion of the suspension period of certain provisions of the federal Resource Conservation and Recovery Act.

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

On motion by Arnould of Scott the House was recessed at 9:19 a.m., until 4:00 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 January 18, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 39, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax.

JOHN F. DWYER, Secretary

### SPONSOR ADDED (House File 47)

Eddie of Buena Vista requested to be added as a sponsor of House File 47.

## REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

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

<u>Position</u>	<u>Name</u>	<u>\$56,628.00</u>	<u>Annual Salary</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Chief Clerk	Joseph O'Hern	\$56,628.00			
Assistant Chief Clerk of the House	Elizabeth A. Isaacson			34-6	P-FT
Senior Caucus Staff Director	Sharon Robinson			36-6	P-FT
Administrative Assistant to Speaker III	Mark W. Brandsgard			33-5	P-FT
Administrative Assistant to Speaker II	Catherine A. Sears			30-3	P-FT
Administrative Assistant to Leader III	William C. Maloney			33-5	P-FT
Administrative Assistant to Leader I	Bruce G. Brandt			27-4	P-FT
Research Assistant	Peter Small			24-1	S-O
Legislative Research Analyst II	Edward J. Conlow			30-4	P-FT
Legislative Research Analyst I	Margaret A. Dohrer			27-2	P-FT
Legislative Research Analyst III	Mary E. O. Fleckenstein			33-5	P-FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Research Analyst III	Thomas R. Patterson	33-5	P-FT
Legislative Research Analyst I	Joseph P. Romano	27-2	P-FT
Legislative Research Analyst I	Janet Roewe Saldanha	27-2	P-FT
Legislative Research Analyst I	Kathi G. Woods	27-1	P-FT
Caucus Secretary	Jenifer L. Parsons	21-1	P-FT
Caucus Staff Director	Gary W. Steinke	34-3	P-FT
Legislative Research Analyst I	Steven A. Kopf	27-1	P-FT
Legislative Research Analyst I	Susan D. Severino	27-1	P-FT
Legislative Research Analyst II	Margaret Ann Thomson	30-2	P-FT
Legislative Research Analyst I	Greg E. Watson	27-1	P-FT
Legislative Research Analyst II	Maryjo F. Welch	30-6	P-FT
Caucus Secretary	Colleen Dillon	21-6	P-FT
Executive Secretary to Chief Clerk	Deanna J. Verwers Templeton	23-6	P-FT
Clerk to Chief Clerk	Jeanine S. Crist	16-1	S-O
Supervisor of Secretaries/Computer Trainer	Virginia Rowen	23-6	P-FT
Journal Editor	Vivian M. Anders	24-4	P-FT
Journal Editor	Carol S. Edwards	24-4	P-FT
Assistant Journal Editor	C. Elaine Schoonover	21-6	P-FT
Senior Finance Officer	Billie Jean Walling	31-3	P-FT
Finance Officer I	Debra K. Rex	24-4	P-FT
Recording Clerk/Supervisor of Pages	Laura J. Ward	21-3	S-O
Assistant Legal Counsel	E. Jane Fowler	26-3	P-FT
Assistant to the Legal Counsel & Engrossing/Enrolling Clerk	Pauline E. Kephart	24-6	P-FT
Assistant to the Legal Counsel	Eileen M. Tyler	17-1	S-O
Chief Indexer	Juanita F. Swackhammer	24-4	P-FT
Indexer	Wilma F. Zika	21-4	P-FT
Supply Clerk	Joanne Wengert	15-2	S-O
Switchboard Operator	Madeline E. James	13-6	S-O
Switchboard Operator	Virginia Semple	13-2	S-O
Bill Clerk	Kathy Jo Ramsay	13-1	P-T
Assistant Bill Clerk	Julie D. Chase	12-1	S-O
Postmaster	George W. Pendergraft	11-2	S-O
Sergeant-at-Arms	Glenn D. Carlson	16-1	S-O
Assistant Sergeant-at-Arms	Marvin Hollingshead	13-1	S-O
Doorkeeper	Maynard L. Boatwright	10-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Doorkeeper	Arthur E. Borwick	10-3	S-0
Doorkeeper	Dwight H. Dugan	10-2	S-0
Doorkeeper	Alfred H. Edwards	10-2	S-0
Doorkeeper	Anthony F. King	10-2	S-0
Doorkeeper	Kathleen L. O'Leary	10-1	S-0
Doorkeeper	Marvin L. Thomas	10-1	S-0

## GROUP I

		<u>Per Hr.</u>	
Speaker's Page	Cindy Mae Cox	\$3.35	S-0
Chief Clerk's Page	Kimberly S. Campbell	\$3.35	S-0
Page	Rebecca L. Baltisberger	\$3.35	S-0
Page	Brent L. Carlson	\$3.35	S-0
Page	Cathy M. Carter	\$3.35	S-0
Page	Valerie L. Downey	\$3.35	S-0
Page	Erin C. Finnegan	\$3.35	S-0
Page	Dawn M. Gitch	\$3.35	S-0
Page	Brenda M. Graham	\$3.35	S-0
Page	Jeffrey D. Grundmeyer	\$3.35	S-0
Page	Steven W. Hulsizer	\$3.35	S-0
Page	P. Ian King	\$3.35	S-0
Page	Jennifer S. Kultala	\$3.35	S-0
Page	Alison G. Kvetko	\$3.35	S-0
Page	Ann Marie Livermore	\$3.35	S-0
Page	Laura J. Merritt	\$3.35	S-0
Page	Amy M. Schmitt	\$3.35	S-0
Page	Sara L. Seim	\$3.35	S-0
Page	Jennifer L. Sels	\$3.35	S-0
Page	Kelly Jo Simonsen	\$3.35	S-0
Page	Amie M. Stumbo	\$3.35	S-0

## GROUP II

Page	Brian A. Coon	\$3.35	S-0
Page	Kristin Lea Delfs	\$3.35	S-0
Page	Todd C. Dorman	\$3.35	S-0
Page	Jennifer L. Gibson	\$3.35	S-0
Page	Shawna J. Greiner	\$3.35	S-0
Page	Jason W. Gross	\$3.35	S-0
Page	Lisa M. Jones	\$3.35	S-0
Page	Kathleen L. Lemker	\$3.35	S-0
Page	Jamee C. Maurer	\$3.35	S-0
Page	Amy L. Peters	\$3.35	S-0

<u>Position</u>	<u>Name</u>	<u>Per Hr.</u>	<u>Class of Appointment</u>
Page	Alan F. Pook	\$3.35	S-O
Page	Michael J. Reed	\$3.35	S-O
Page	Lori A. Riessen	\$3.35	S-O
Page	Kari A. Sweeney	\$3.35	S-O
Page	Dustin R. Wilcox	\$3.35	S-O
Page	Gabrielle L. Wilson	\$3.35	S-O
Page	Angela D. Yoder	\$3.35	S-O
		<u>Grade and Step</u>	
Legislative Committee Secretary	Catharine R. Ankeny	17-1	S-O
Legislative Committee Secretary	Aida Audeh	17-1	S-O
Legislative Secretary	Norma L. Bakros	15-3 + 2	S-O
Legislative Secretary	Barbara P. Bennett	17-2	S-O
Legislative Secretary	Blair A. Bennett	16-1	S-O
Legislative Secretary	Edith L. Berlovich	16-2 + 2	S-O
Legislative Secretary	Stewart R. Black	16-1	S-O
Legislative Committee Secretary	Nancy B. Bowers	17-1	S-O
Legislative Secretary	Grace R. Branstad	16-2 + 2	S-O
Legislative Committee Secretary	Joan K. Brauer	17-2	S-O
Legislative Secretary	Susan C. Bruckshaw	15-3	S-O
Legislative Secretary	Doris M. Burford	15-2 + 2	S-O
Legislative Committee Secretary	Aimee L. Campin	17-1	S-O
Legislative Secretary	Gretchen Cardamon	16-3 + 2	S-O
Legislative Committee Secretary	R. Jeannene Cochran	17-6 + 2	S-O
Legislative Secretary	Phyllis R. Cowles	15-6 + 2	S-O
Legislative Committee Secretary	Jo Ann Critelli	17-2 + 2	S-O
Legislative Secretary	Deborah L. Crowley	16-1	S-O
Legislative Secretary	Michael J. Current	16-1	S-O
Legislative Secretary	Ruth A. Daggett	16-3 + 2	S-O
Legislative Secretary	Christine C. Davis	16-1	S-O
Legislative Secretary	Clarretta J. De Groot	16-3 + 2	S-O
Legislative Committee Secretary	Betty J. Dunn	17-4 + 2	S-O
Legislative Secretary	Katherine E. Egan	15-1	S-O
Legislative Secretary	Joan R. Eggen	16-5 + 2	S-O
Legislative Secretary	David L. Epley	16-1	S-O
Legislative Secretary	Theresa M. Ferin	16-2	S-O
Legislative Secretary	Eugene P. Fleming	17-1	S-O
Legislative Secretary	Robert J. Fleming, Jr.	21-2	P-FT
Legislative Secretary	Gertrude E. Fogarty	16-2	S-O
Legislative Secretary	Timothy J. Fox	15-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Legislative Committee Secretary	Carolyn J. Gaukel	17-2 + 2	S-0
Legislative Committee Secretary	Audrey Gibson	17-4 + 2	S-0
Legislative Secretary	Michelle J. Gorgas	15-1 + 2	S-0
Legislative Secretary	Alice S. Gossett	16-1	S-0
Legislative Secretary	Betty J. Gottschalk	16-5 + 2	S-0
Legislative Committee Secretary	Jean I. Goudy	17-2	S-0
Legislative Secretary	Doris E. Guess	16-2	S-0
Legislative Secretary	Anne M. Hansen	16-1	S-0
Legislative Secretary	Joan M. Hansen	16-3 + 2	S-0
Legislative Committee Secretary	Juliet R. Heck	17-1	S-0
Legislative Secretary	Darlene J. Higginbottom	17-3 + 2	S-0
Legislative Secretary	Betty J. Hirschauer	16-3 + 2	S-0
Legislative Secretary	Robert M. Hogg	17-1	S-0
Legislative Secretary	Dolores M. Horton	17-2	S-0
Legislative Secretary	Susan K. Jennings	17-1 + 2	S-0
Legislative Secretary	Sheryl A. Johnson	16-1	S-0
Legislative Secretary	Barbara G. Kalbach	16-1	S-0
Legislative Secretary	Shirley A. Kent	16-2	S-0
Legislative Secretary	Janice L. Knapp	16-2	S-0
Legislative Secretary	Christine N. Knutson	16-1	S-0
Legislative Committee Secretary	Joan M. Koenigs	17-2 + 2	S-0
Legislative Committee Secretary	Betty J. LaCava	17-2 + 2	S-0
Legislative Committee Secretary	Marjorie T. Larson	17-1	S-0
Legislative Secretary	Mary Belle Lawless	16-2 + 2	S-0
Legislative Secretary	JoAnn M. Leachman	16-2 + 2	S-0
Legislative Secretary	Prudence A. Leachman	15-2 + 2	S-0
Legislative Secretary	Gay P. Leverich	16-4 + 2	S-0
Legislative Secretary	David M. Lubbers	16-1	S-0
Legislative Committee Secretary	Betty Lou Lundy	17-2 + 2	S-0
Legislative Committee Secretary	M. Maxine Mann	18-6 + 2	S-0
Legislative Committee Secretary	Shirley L. Marty	17-2 + 2	S-0
Legislative Committee Secretary	Dolores R. Matson	17-2 + 2	S-0
Legislative Secretary	Mary Ellen Maulsby	16-3 + 2	S-0
Legislative Committee Secretary	Dorothy A. Mauro	17-3 + 2	S-0
Legislative Secretary	Roseanne McCargar	16-2	S-0
Legislative Secretary	Debra K. McKinney	16-1 + 2	S-0

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Legislative Secretary	Betty C. Millen	16-5	S-0
Legislative Secretary	Twyla L. Miller	16-2 + 2	S-0
Legislative Secretary	Phyllis Muhlbauer	17-2	S-0
Legislative Committee Secretary	Jean W. Nelson	17-1	S-0
Legislative Secretary	Heidi L. Olsen	16-1	S-0
Legislative Secretary	Randy L. Parker	16-2	S-0
Legislative Secretary	Haleen E. Pellett	15-5 + 2	S-0
Legislative Committee Secretary	Kathleen L. Peterson	18-4 + 2	S-0
Legislative Secretary	Julie K. Pierce	16-2	S-0
Legislative Committee Secretary	Naomi L. Poncy	17-3 + 2	S-0
Legislative Committee Secretary	Joann B. Quade	18-3	S-0
Legislative Secretary	Mary A. Rhoads	17-3 + 2	S-0
Legislative Secretary	Martha G. Ricklefs	16-1	S-0
Legislative Secretary	Nancy L. Robertson	16-1	S-0
Legislative Secretary	Cleo C. Royer	16-2	S-0
Legislative Secretary	LaVena M. Rucker	15-6 + 2	S-0
Legislative Secretary	Mildred L. Schneklloth	16-3 + 2	S-0
Legislative Secretary	Wilma R. Scieszinski	16-1	S-0
Legislative Secretary	Mary Ann Scott	15-6 + 2	S-0
Legislative Secretary	Kristin L. Senty	16-1	S-0
Legislative Secretary	Mary M. Shandley	16-2 + 2	S-0
Legislative Secretary	Mildred E. Stewart	16-6 + 2	S-0
Legislative Secretary	Harriet J. Stromer	19-6 + 2	S-0
Legislative Secretary	JoAnn Thomas	15-2 + 2	S-0
Legislative Secretary	Charlotte F. Turner	16-3 + 2	S-0
Legislative Secretary	Luella R. Van Maanen	16-3 + 2	S-0
Legislative Committee Secretary	Jane M. Wallerstedt	17-2 + 2	S-0
Legislative Secretary	Barbara B. Wennerstrum	17-4 + 2	S-0
Legislative Secretary	Bettie J. Wentz	16-5 + 2	S-0
Legislative Committee Secretary	Jo Ann West	17-4 + 2	S-0
Legislative Secretary	Amanda E. Wishman	17-2	S-0
Legislative Secretary	M. Ann Woltz	16-1	S-0

TEAFORD of Black Hawk, Chair

## REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, 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>
Administrative Assistant to Leader I	Bruce G. Brandt	27-3 to 27-4	P-FT	01-06-89
Legislative Research Analyst I	Steven A. Kopf	27-1 to 27-2	P-FT	02-17-89
Caucus Secretary	Jenifer L. Parsons	21-1 to 21-2	P-FT	03-03-89
Senior Caucus Staff Director	Sharon Robinson	36-5 to 36-6	P-FT	01-09-89
Supervisor of Secretaries/ Computer Trainer	Virginia Rowen	23-5 to 23-6	P-FT	01-09-89
Executive Secretary to Chief Clerk	Deanna J. Verwers Templeton	23-5 to 23-6	P-FT	01-09-89
Legislative Research Analyst II	Maryjo F. Welch	30-5 to 30-6	P-FT	01-09-89
Legislative Research Analyst I	Kathi G. Woods	27-1 to 27-2	P-FT	03-03-89
Doorkeeper	Maynard L. Boatwright	10-1 to 10-2	S-O	03-17-89
Doorkeeper	Arthur E. Borwick	10-2 to 10-3	S-O	01-06-89
Sergeant-at-Arms	Glenn D. Carlson	16-1 to 16-2	S-O	03-17-89
Switchboard Operator	Madeline E. James	13-5 to 13-6	S-O	01-09-89
Doorkeeper	Anthony F. King	10-2 to 10-3	S-O	01-20-89
Doorkeeper	Kathleen L. O'Leary	10-1 to 10-2	S-O	03-17-89
Switchboard Operator	Virginia Semple	13-2 to 13-3	S-O	02-17-89
Legislative Secretary	Stewart R. Black	16-1 to 16-2	S-O	03-17-89
Legislative Committee Secretary	Joan K. Brauer	17-2 to 17-3	S-O	04-14-89
Legislative Secretary	Doris M. Burford	15-2 + 2 to 15-3 + 2	S-O	04-14-89
Legislative Committee Secretary	R. Jeannene Cochran	17-5 + 2 to 17-6 + 2	S-O	01-09-89
Legislative Committee Secretary	Jo Ann Critelli	17-2 + 2 to 17-3 + 2	S-O	02-03-89
Legislative Secretary	Theresa M. Ferin	16-2 to 16-3	S-O	04-14-89

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Robert J. Fleming, Jr.	21-2 to 21-3	P-FT	01-20-89
Legislative Secretary	Gertrude E. Fogarty	16-2 to 16-3	S-O	04-14-89
Legislative Secretary	Michelle J. Gorgas	15-1 + 2 to 15-2 + 2	S-O	04-28-89
Legislative Committee Secretary	Jean I. Goudy	17-2 to 17-3	S-O	02-03-89
Legislative Committee Secretary	Juliet R. Heck	17-1 to 17-2	S-O	03-31-89
Legislative Secretary	Dolores M. Horton	17-2 to 17-3	S-O	04-14-89
Legislative Secretary	Susan K. Jennings	17-1 + 2 to 17-2 + 2	S-O	02-17-89
Legislative Committee Secretary	Joan M. Koenigs	17-2 + 2 to 17-3 + 2	S-O	02-03-89
Legislative Secretary	JoAnn M. Leachman	16-2 + 2 to 16-3 + 2	S-O	05-12-89
Legislative Secretary	Prudence A. Leachman	15-2 + 2 to 15-3 + 2	S-O	05-26-89
Legislative Secretary	Gay P. Leverich	16-3 + 2 to 16-4 + 2	S-O	01-09-89
Legislative Committee Secretary	Betty Lou Lundy	17-2 + 2 to 17-3 + 2	S-O	03-31-89
Legislative Secretary	Roseanne McCargar	16-2 to 16-3	S-O	01-20-89
Legislative Secretary	Debra K. McKinney	16-1 + 2 to 16-2 + 2	S-O	03-17-89
Legislative Secretary	Phyllis Muhlbauer	17-2 to 17-3	S-O	02-17-89
Legislative Committee Secretary	Jean W. Nelson	17-1 to 17-2	S-O	03-17-89
Legislative Secretary	Cleo C. Royer	16-2 to 16-3	S-O	04-14-89
Legislative Secretary	LaVena M. Rucker	15-5 + 2 to 15-6 + 2	S-O	01-09-89
Legislative Secretary	Wilma R. Scieszinski	16-1 to 16-2	S-O	5-12-89
Legislative Secretary	Mary Ann Scott	15-5 + 2 to 15-6 + 2	S-O	01-09-89
Legislative Secretary	Mary M. Shandley	16-2 + 2 to 16-3 + 2	S-O	04-14-89
Legislative Secretary	Mildred E. Stewart	16-5 + 2 to 16-6 + 2	S-O	01-09-89
Legislative Committee Secretary	Jane M. Wallerstedt	17-2 + 2 to 17-3 + 2	S-O	04-14-89

## 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 Division of Job Training, pursuant to Chapter 7B.3(10), Code of Iowa.

### DEPARTMENT OF PUBLIC HEALTH

The Annual Report of the Long Term Care Coordinating Unit, pursuant to Chapter 249D.58, Code of Iowa.

### DEPARTMENT OF TRANSPORTATION

A progress report on projects to collect and dispose of used motor oil from residences and farms in one urban and one rural county, pursuant to Chapter 225, Sec. 511, 1987 Acts of the Seventy-second General Assembly.

### UNIVERSITY OF IOWA

A report entitled Center for Health Effects of Environmental Contamination, pursuant to Chapter 263.17(4)(b), Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 125 Economic Development**

Relating to the continuation of the linked deposit program by striking the prospective repeal of the program and providing an effective date.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 9**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

#### **House File 12**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

#### **House File 13**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

#### **House File 18**

Judiciary and Law Enforcement: Renaud, Chair; Kremer and Poncy.

#### **House File 20**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

#### **House File 24**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 26**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 44**

Education: Shoultz, Chair; Brand and Lageschulte.

**House File 45**

Education: Harper, Chair; Lageschulte and Shearer.

**House File 56**

Education: Ollie, Chair; Daggett, Miller, Shoultz and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 25**

Education: Haverland, Chair; Miller and Neuhauser.

**House Study Bill 26**

Education: Shoultz, Chair; Corbett and Shearer.

**AMENDMENT FILED**

H—3038            H.R.            2            Arnould of Scott

On motion by Arnould of Scott, the House adjourned at 4:08 p.m., until 9:00 a.m., Thursday, January 19, 1989.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day — Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 19, 1989

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

Prayer was offered by the Honorable Mary Lundby, state representative from Linn County.

The Journal of Wednesday, January 18, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas on request of Peterson of Carroll.

## INTRODUCTION OF BILLS

**House File 75**, by Hanson of Delaware, a bill for an act establishing a lifetime hunting license for legal residents permanently disabled or sixty-five years of age or older.

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

**House File 76**, by Diemer, a bill for an act relating to the imposition of an excise tax on certain retail sales of alcoholic liquor and wine, providing for the administration and collection of the excise tax, providing the disposition of tax receipts, making an appropriation, and subjecting violators to penalties.

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

**House File 77**, by Hatch, a bill for an act relating to child and dependent adult care.

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

**House File 78**, by Poncy, a bill for an act relating to the redemption period of property sold at tax sales and providing an applicability date.

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

**House File 79**, by Spear, a bill for an act relating to the office of governor by providing that procedures which apply to the disability of the governor also apply to the disability of a person acting as governor.

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

**House File 80**, by Halvorson of Webster, a bill for an act relating to nomination petitions by removing prohibitions against signing petitions for more than one candidate for the same office.

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

**House File 81**, by Teaford, a bill for an act relating to the time period within which an information or indictment for sexual abuse with a child under the age of twelve shall be found.

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

**House File 82**, by Svoboda, a bill for an act providing for videotaping a child's testimony for use as admissible evidence at trial.

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

**House File 83**, by Svoboda, a bill for an act relating to the crime of sexual exploitation of children, and making a penalty applicable.

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

**House File 84**, by Svoboda, a bill for an act relating to the disposition of moneys collected from snowmobile fees.

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

**House File 85**, by Spear, a bill for an act relating to the solemnization of marriage by telephone.

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

**House File 86**, 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 87**, by Shoning, a bill for an act relating to certain religious exemptions to the required provision of medical treatment.

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

**House File 88**, 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**.

#### FURTHER CONSIDERATION OF HOUSE RESOLUTION 2

The House resumed consideration of House Resolution 2, a resolution relating to permanent rules of the House for the seventy-third general assembly (found on pages 94 through 116 of the House Journal), previously deferred.

Arnould of Scott called up for consideration the motion to reconsider amendment H—3037 filed by Teaford of Black Hawk and asked and received unanimous consent to reconsider the vote by which amendment H—3037 (found on page 161 of the House Journal) was adopted by the House on January 17, 1989.

Division of amendment H—3037 was requested as follows:

Lines 2 through 17, H—3037A; lines 18 through 22, H—3037B.

On motion by Arnould of Scott, amendment H—3037A was adopted.

Arnould of Scott asked and received unanimous consent to withdraw amendment H—3037B.

Arnould of Scott offered the following amendment H—3038 filed by him and moved its adoption:

H—3038

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 17, line 20, by striking the words
- 3 "weekly debate" and inserting the following: "weekly
- 4 debate regular".
- 5 2. Page 19, by striking lines 17 through 23 and
- 6 inserting the following: "upon until at least one day
- 7 after the printed journal containing the report has
- 8 been placed upon the desks of the members of the house
- 9 after the second legislative day following the day the
- 10 report was printed in the journal.
- 11 Appropriations committee bills shall not be acted
- 12 upon until at least two days after the printed bill
- 13 has been placed on the desks of the members of the

14 house. Prior to noon or adjournment, whichever is  
15 later, on the last legislative day of the week, the  
16 majority leader shall prepare a list of bills reported  
17 out of committee that week which have not yet appeared  
18 on the regular calendar."

Amendment H—3038 was adopted.

Metcalf of Polk offered the following amendment H—3039 filed by her from the floor and moved its adoption:

H—3039

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 8, line 22, by striking the word
- 3 "seating".

Amendment H—3039 was adopted.

Teaford of Black Hawk moved the adoption of House Resolution 2, as amended.

A non-record roll call was requested.

The ayes were 88, nays none.

The motion prevailed and the resolution, as amended, was adopted.

#### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 6, 1989 and is on file in the office of the Chief Clerk:

January 5, 1989

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 78 claims of a general nature that were denied by the State Appeal Board during March - December, 1988.

Index attached shows 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 -- 1988  
(March - December, 1988)\*

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G87-0934	Otis Elevator Chicago, Illinois (Outdated Invoice)	\$ 74.89	DENIED
G87-1102	Peter F. Riesenber Keene, New Hampshire (Police Officer Retirement Refund)	3,100.00	DENIED
G87-1116	Jay A. Eason Battle Creek, Iowa (Sales Tax Refund)	159.80	DENIED
G87-1165	Beverly A. Gammon Pacific Junction, Iowa (Back Pay)	1,848.00	DENIED
G87-1187	Paul A. Buckroyd Clear Lake, Iowa (Use Tax Refund)	Undetermined	DENIED
G88-0010	William James Mores Gardner, Kansas (License Fee Refund)	156.00	DENIED
G88-0021	Scott H. Peters Council Bluffs, Iowa (License Fee Refund)	25.00	DENIED
G88-0031	Anne Marie Plageman Maurice, Iowa (License Fee Refund)	Undetermined	DENIED
G88-0032	Dean L. Stielow Colfax, Iowa (License Fee Refund)	92.75	DENIED
G88-0046	Eugene F. Soland San Antonio, Texas (License Fee Refund)	50.00	DENIED
G88-0059	Timothy John Daly Farley, Iowa (License Fee Refund)	13.00	DENIED
G88-0061	George Single Spirit Lake, Iowa (Income Tax Refund)	3,208.00	DENIED
G88-0078	Stuart Floyd Voga Story City, Iowa (License Fee Refund)	835.00	DENIED
G88-0085	Mitchell County Auditor (Sales Tax Refund)	1,176.49	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0087	Boone County Auditor Boone, Iowa (Outdated Invoice)	120.68	DENIED
G88-0111	Riviera Cabinets Red Wing, Minnesota (License Fee Refund)	124.00	DENIED
G88-0122	Children's Hospital Association Pediatrician Des Moines, Iowa (Outdated Invoice)	16.00	DENIED
G88-0123	Children's Hospital Association Pediatrician Des Moines, Iowa (Outdated Invoice)	16.00	DENIED
G88-0138	Ivan C. Alexander Madrid, Iowa (License Fee Refund)	51.00	DENIED
G88-0139	Bill Miltenberger Whiting, Iowa (Motor Fuel Tax Refund)	248.64	DENIED
G88-0150	Lloyd Rohmiller Lawton, Iowa (Sales Tax Refund)	896.00	DENIED
G88-0162	Brian L. Zindel Walcott, Iowa (Sales Tax Refund)	1,166.00	DENIED
G88-0168	Ernest J. Golwitzer Carroll, Iowa (License Fee Refund)	19.00	DENIED
G88-0203	James Elwood Williamsburg, Iowa (License Fee Refund)	100.00	DENIED
G88-0204	Mary Lou Thompson Moravia, Iowa (Reimbursement of Garnished Wages)	130.00	DENIED
G88-0225	Welden Brothers Iowa Falls, Iowa (License Fee Refund)	285.00	DENIED
G88-0227	Kevin Swanson Des Moines, Iowa (License Fee Refund)	50.00	DENIED
G88-0242	Ronald S. Bergman Des Moines, Iowa (Outdated Invoice)	50.00	DENIED
G88-0247	Checkerboard Area Health System Cuba, New Mexico (Outdated Invoice)	40.00	DENIED
G88-0264	Institutional Equipment, Inc. Emmetsburg, Iowa (License Fee Refund)	134.40	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0269	Rodney Veldhuizen Eddyville, Iowa (Sales Tax Refund)	1,200.00	DENIED
G88-0276	Miracle Recreation Equipment Co. Grinnell, Iowa (Motor Fuel Tax Refund)	360.99	DENIED
G88-0279	Jacqueline McLaughlin Des Moines, Iowa (License Fee Refund)	63.00	DENIED
G88-0287	Bonita J. Rupp Cherokee, Iowa (Back Pay)	116.00	DENIED
G88-0288	Russell Brink Farragut, Iowa (License Fee Refund)	71.00	DENIED
G88-0300	Ottumwa Pedarics, PC Ottumwa, Iowa (Outdated Invoice)	207.00	DENIED
G88-0311	Sharon S. Manning Davenport, Iowa (License Fee Refund)	90.00	DENIED
G88-0335	Northwestern Bell Telephone Company Des Moines, Iowa (Outdated Invoice)	394.91	DENIED
G88-0336	Peter Degard Milo, Iowa (License Fee Refund)	25.00	DENIED
G88-0345	Hydrite Chemical Co. Milwaukee, Wisconsin (Sales and Use Tax Refund)	11,040.51	DENIED
G88-0355	Custom Precast Company Cascade, Iowa (License Fee Refund)	847.50	DENIED
G88-0372	Alcatel Information Systems Phoenix, Arizona (Outdated Invoice)	1,294.36	DENIED
G88-0402	Kleo Zahner Davenport, Iowa (License Fee Refund)	107.50	DENIED
G88-0408	Mahaska County Auditor Oskaloosa, Iowa (Outdated Invoice)	1,348.01	DENIED
G88-0433	Milton D. Chapman Creston, Iowa (License Fee Refund)	35.00	DENIED
G88-0436	Kimberly Sue Christensen Harlan, 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>
G88-0442	Michelle Ann Kenkel Earling, Iowa (License Fee Refund)	12.00	DENIED
G88-0447	Alice R. Cross (Jones) Missouri Valley, Iowa (ADC Payments)	456.00	DENIED
G88-0453	Merrie J. Murray Des Moines, Iowa (Insurance Premium Refund)	709.40	DENIED
G88-0459	Vern Johns Ackley, Iowa (License Fee Refund)	55.00	DENIED
G88-0460	Daniel J. Nadermann Dubuque, Iowa (License Fee Refund)	90.00	DENIED
G88-0466	Richard Procyk Des Moines, Iowa (License Fee Refund)	25.00	DENIED
G88-0469	Mark Young Marquette, Iowa (Income Tax Refund)	900.00	DENIED
G88-0491	Linda Lu Mathiasen Harlan, Iowa (License Fee Refund)	54.00	DENIED
G88-0505	Robert L. Butcher Corning, Iowa (Back Pay)	268.80	DENIED
G88-0506	Susan Janecke West Des Moines, Iowa (Back Pay)	268.80	DENIED
G88-0570	Robert Lavern Owen Council Bluffs, Iowa (License Fee Refund)	35.00	DENIED
G88-0571	Marlys A. Bergfelder Waverly, Iowa (License Fee Refund)	51.00	DENIED
G88-0595	Uva McKee Orchard, Iowa (License Fee Refund)	42.00	DENIED
G88-0613	Tim H. Gray Sidney, Iowa (License Fee Refund)	35.00	DENIED
G88-0628	Nisnabotna Valley REC 88 Harlan, Iowa (License Fee Refund)	35.00	DENIED
G88-0629	Tracy Kubick Peosta, Iowa (License Fee Refund)	Undetermined	DENIED
G88-0638	Koch Brothers Des Moines, Iowa (License Fee Refund)	30.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0650	Kathryn Beth Rueter Sumner, Iowa (License Fee Refund)	86.00	DENIED
G88-0651	Jack W. Carmichael Harlan, Iowa (License Fee Refund)	1,872.00	DENIED
G88-0655	Roland K. Paper Wilton, Iowa (License Fee Refund)	48.00	DENIED
G88-0674	Monroe Systems Des Moines, Iowa (Outdated Invoice)	46.00	DENIED
G88-0684	John L. Falk Ames, Iowa (License Fee Refund)	108.00	DENIED
G88-0696	Mark Allen Kail Bettendorf, Iowa (License Fee Refund)	95.00	DENIED
G88-0713	Merrill Gee Shenandoah, Iowa (License Fee Refund)	25.00	DENIED
G88-0720	North American Van Lines Fort Wayne, Indiana (Citation Refund)	33.00	DENIED
G88-0736	Modern Leasing, Inc. of Iowa Des Moines, Iowa (Sales Tax Refund)	27,709.61	DENIED
G88-0741	Robert D. Hansen Cedar Rapids, Iowa (Tax Refund)	350.00	DENIED
G88-0745	Iowa-Illinois Gas and Electric Fort Dodge, Iowa (Outdated Invoice)	6,396.88	DENIED
G88-0754	Evelyn R. Gustafsson Clinton, Iowa (License Fee Refund)	77.00	DENIED
G88-0756	Susan Anderson Davenport, Iowa (License Fee Refund)	16.00	DENIED
D88-0035	Department of Human Services Des Moines, Iowa (IPERS Refund)	62.30	DENIED
D88-0046	Fifth Judicial Department Des Moines, Iowa (Insurance Premium Refund)	683.20	DENIED

\* Claims Denied in January and February, 1988 have already been submitted

**COMMUNICATION FROM THE  
DEPARTMENT OF MANAGEMENT**

The following communication was received from the Department of Management on January 6, 1989 and is on file in the office of the Chief Clerk:

January 5, 1989

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 and Judgments (general torts and highway) paid during 1988 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  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL — 1988**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-6559-69	Dale Clingan, Jacquelyn Clingan and Craig R. Foss, Attorney (Settlement) Property Damages	\$ 39,483.17	\$ 1,300.00
T-735-70	Pierre Robitaille and Griff Wodtke (Settlement) Property Damages	Undetermined	109,000.00
T-994-70	James Timothy Cerney and his attorney, Peter Magnani (Settlement) Personal Injury	150,000.00	38,500.00
T-1737-71 T-1738-71	Rodney C. Saari and his attorney, Mark Liabo (Settlement) Personal Injury	1,000,000.00	35,000.00
T-2437-71	Keith Clites, as Cons. of of Timothy Clites and Lawrence Marcucci, Attorney (Settlement) Personal Injury	500,000.00	103,500.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
T-2522-71	Prupac	1,500,000.00	500.00
T-2523-71	Prupac	1,500,000.00	79,500.00
T-2529-71	Peterson Law Offices	3,500,000.00	95,000.00
T-2530-71	Ardith Ingwersen & Kevin D. Carpenter (Settlement) Personal Injury	3,500,000.00	
TE-2510-71	Judith Ann Beechner,	5,000,000.00	53,000.00
TE-2511-71	Donald Lawrence		
TE-2512-71	Beechner & attorney Marc Moen (Settlement) Personal Injury		
T-2661-71	Phillip Michael Dean	50,000.00	750.00
T87-0011	et. al. (Settlement) Personal Injury		
T-2637-71	James Wendall Hall	3,000,000.00	51,000.00
TE-2638-71	& Paul Papak, Attorney (Settlement) Personal Injury		
T-2723-71	Jack W. Brown, Sr.	1,000,000.00	60,000.00
T-2724-71	Adm. of Estate of Christina Rae Duede, Dec., Jack Brown, Jr. and attorney Rick Olson (Settlement) Personal Injury	1,000,000.00	
T85-0036	Viola Duffield, Correctional Medical Systems, National Union Fire Insurance Co., and their attorneys, Nyemaster Law Firm (Settlement) Personal Injury	25,000.00	76,236.50
T85-0067	Jeanette Kriesel &	100,000.00	77,000.00
T85-0068	attorney Gary Wenell Personal Injury	100,000.00	
T85-0069	Jeanette Kriesel as Mother & Next	1,000,000.00	3,000.00
T85-0070	Friend of Jonathan Kriesel & attorney, Gary Wenell Personal Injury	1,000,000.00	
T85-0071	Robin Kriesel &	100,000.00	2,000.00
T85-0072	Bradford Kollars, Attorney (Settlement) Personal Injury	100,000.00	
T85-0086	Mary Alice Simmons	1,761,689.51	20,011.00
T85-0087	(Settlement)	1,761,689.51	
T85-0089	Personal Injury	761,706.52	
T85-0090		761,706.52	
T85-0091		511,689.52	
T85-0092		511,706.52	
T85-0093		511,706.52	
T85-0140	Ruth E. Brown, Ind. & as Adm. of the Estate of Ronald D. Brown and her attorney, Roxanne Conlin (Settlement) Wrongful Death	500,000.00	50,000.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T85-0272	Jane Elizabeth Hilton and Olinger, McManus & Sole (Settlement) Personal Injury	250,000.00	30,000.00
T85-0424	Walter W. Kreibich, Clara Kreibich & Dennis Larson, Attorney (Settlement) Personal Injury	71,787.36	10,500.00
T85-0542	Robert Olivar and Elderkin, Pirnie, Von Lackum & Elderkin, his attorney (Settlement) Personal Injury	150,000.00	6,000.00
T85-0543	Richard J. Adams and Gottschalk & Shinkle (Settlement) Personal Injury	20,000.00	1,000.00
T86-0055	Sherry Bartholomew and Paul Shinkle, her attorney (Settlement) Personal Injury	20,000.00	2,500.00
T86-0165	Larry W. Kersten, as Adm. of the Estate of Kyle Kersten, and Mark Liabo, his attorney (Settlement) Wrongful Death	1,000,000.00	22,500.00
T86-0244	Eloise Perez, Adm. of the Estate of Daniel Lee Perez and Hobson, Cady & Drew, Attorney (Settlement) Wrongful Death	500,000.00	5,000.00
T86-0271	Larry Bear and his attorney, Mark Ravreby (Settlement) Personal Injury	750,000.00	16,250.00
T86-0301	Darlene Dix and Meyer, Lorentzen & Nelson (Settlement) Personal Injury	229.65	532.33
T86-0313	Common Lives/Lesbian Lives, A Non-Profit Corp. & Duane Rohovit (Settlement) Property Damages	10,000.00	2,000.00
T86-0354	Lloyd G. Offutt (Settlement) Personal Injury	10,786.00	50.00
T87-0005	Kathy Sonderleiter, Ind. & Cons. for Danny Sonderleiter and for Minor Children of Kathy Sonderleiter & Jeffrey A. Bochlert, Attorney (Settlement) Personal Injury	Undetermined	17,500.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T87-0039	Kim Allen Ziegenhorn and his attorney, Robert DeKock (Settlement) Personal Injury	150,000.00	5,000.00
TE87-0084	Phyllis R. Jones and Harry W. Zanville, her attorney (Settlement) Personal Injury	5,000.00	1,750.00
T87-0171	Marvin Bailey, Exec. of the Estate of Mary Bailey and attorney Steven Crowley (Settlement) Wrongful Death	250,000.00	100,000.00
T87-0316	Janice M. Becker, Ind. and as Exec. of the George E. Becker Estate and her attorney, John Riccolo (Settlement) Wrongful Death	2,000,000.00	330,000.00
T87-0401	Jean Ann Tittle & Douglas Tittle and Thomas P. Slater, their attorney (Settlement) Personal Injury	250,000.00	500.00

**CHAPTER 25A GENERAL TORT CLAIMS APPROVED  
BY STATE APPEAL BOARD — 1988**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0200-0964	American Family Insurance as Subrogee for Gary Buffington Damage to vehicle caused by emissions from the University of Iowa's power plant	\$ 641.36	\$ 641.36
T86-0200-0675	Donna Spilman Damage to vehicle caused by emissions from the University of Iowa's power plant	581.28	581.28
T86-0200-0965	Ray Hinchman Damage to vehicle caused by emissions from the University of Iowa's power plant	851.20	851.20
T86-0220-0966	Commercial Union Insurance Damage to vehicle caused by emissions from the University of Iowa's power plant	1,417.90	1,417.90
T86-0200-0627	Dennis Corrigan Insurance Damage to vehicle caused by emissions from the University of Iowa's power plant	965.08	965.08
T86-0201-0002	Thomas Alberhasky Damage to buildings caused by emissions from the University of Iowa's power plant	Undetermined	6,000.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0201-0004 T86-0201-0005 T86-0201-0006	Johnson County Board of Supervisors by the Johnson Co. Attorney's Office Damage to buildings caused by emissions from the University of Iowa's power plant	136,671.00	3,635.25
T85-0472	Robert Fajer Slipped and fell on a puddle of water in hallway at ISU	Undetermined	21,582.15
T85-0535	Raymond Rios University of Iowa Hospital Pharmacy made an error in filling claimant's prescription	60,000.00	6,224.17
T86-0366	Estate of Barbara Benford Improperly performed root canal by U of I hospitals led to break down of bone graft	50,000.00	4,000.00
T86-0471	Marie E. Truksa Fell on broken sidewalk at the Iowa State Fair	Undetermined	6,650.00
T87-0101	Charlene M. Farris Slipped and fell at Job Service Building	20,000.00	4,000.00
T87-0102	Eugene J. Egnoski DHS employee struck claimant's vehicle	160.00	158.65
T87-0159	Robert James Donahue (Partnership) Title mixup on DOT truck claimant bought at auction	1,945.65	350.00
T87-0198	Hartford Insurance As Subrogee of Brenda Lisk Claimant slipped and fell on ice outside U of I Hospitals	219.52	219.52
T87-0213	Randy Ray Adams Claimant slipped and fell in shower at Fort Des Moines Correctional Facility	100,000.00	8,000.00
T87-0243	Eleanor I. St. Hilaire Fell over one inch separation rise at state fish hatchery	Undetermined	7,500.00
T87-0249	Charlene Letzring Personal injury when claimant collided with another student during leisure study course at ISU	17,195.64	14,000.00
T87-0261	Joseph Wysong Injured while participating in MDA Dance Marathon at ISU	680.00	680.00
T87-0268	Allstate Insurance Co. as Subrogee to Kristie A. Puetz Vehicle damaged by ladder which blew over in wind	223.18	223.18

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T87-0307	Allstate Insurance as Subrogee to Kenneth & Susan Nickels Vehicle damaged by spray paint at University of Iowa	187.20	187.20
T87-0311	B & B Realty State employee driving semi caught low hanging wires and pulled them down	317.86	317.86
T87-0338	Sandra L. Turnbull Personal property lost during transport to Juvenile Home	90.00	90.00
T87-0362	Stacey Ann Taylor Personal property lost at Waterloo Residential Department	436.00	75.00
T87-0396	Faye E. Henry Fell in hole at Iowa State Fairgrounds campgrounds	306.91	306.91
T87-0397	Nora Stone Tripped and fell over a raised place on the cement floor in the Varied Industries Building	Undetermined	3,500.00
T87-0405	Russell L. Toothman Claimant's daughter stepped in hole at Iowa State Fair and sprained ankle	16.00	16.00
T87-0407	Julie Warren Slipped and fell on uneven portion of brick floor in Grandfather's Barn at Iowa State Fair	139.23	109.23
T87-0417	Irene R. Crouch A volunteer worker ran into claimant causing glasses to break	201.00	201.00
T87-0421	John K. Cousins Personal property stolen at Juvenile Home	10.00	10.00
T87-0435	Farmland Insurance as Subrogee to Theresa Ann Herndon Vehicle damaged at Iowa State Fair	717.78	717.78
T87-0440	State Farm Insurance as Subrogee of Stacey & Michael Sherman State employee struck claimant's parked vehicle	452.16	452.16
T87-0461	American Family Insurance as Subrogee for John Rice Windshield damaged by rock thrown from lawn mower at Camp Dodge	202.97	202.97
T87-0464	Clover C. Rhoten Tripped over an uneven piece of concrete at Iowa State Fair	80.00	80.00
T87-0476	Sue E. Heffmansperger Water damage to studio and art supplies at U of I	577.07	577.07

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T87-0481	Melvin J. Stevens & Farm Bureau Mutual Insurance Co. as Subrogee of Melvin Stevens State employee struck claimant's vehicle	2,530.41	1,950.41
T87-0500	Claude Norton Personal property damaged at Iowa Vets Home	195.00	195.00
T87-0507	Bankers Standard as Subrogee of Paul & Nancy De Donker State employee crossed centerline and struck claimant's vehicle	4,135.24	4,075.63
T87-0508	Carlton D. Mitchell for Ulaila Mitchell Personal property lost while being transferred from Cherokee MHI	510.00	350.00
T87-0511	Mallard D. Owen Personal property lost at U of I	50.00	50.00
T87-0520	Nissa J. Houge Tripped and fell on uneven portion of street at Iowa State Fair	367.70	367.70
T87-0522	Phyllis Westendorf Stepped in hole and fell at Iowa State Fair	115.90	115.90
T87-0554	Francis Uken Personal property damaged while at Iowa Vets Home	45.00	30.00
T87-0555	Jeffrey D. Franzen State employee struck claimant's legally parked car	197.24	186.13
T87-0566	John F. Severson Clothing damaged when patient spilled bleach on them	42.50	42.50
T87-0567	William Oliver Personal property damaged at Iowa Vets Home	35.00	35.00
T87-0568	American State Insurance as Subrogee to Marcella Soper Vehicle damaged by spray paint at University of Iowa	72.60	72.60
T87-0569	Kara Ann Krummel U of I employee backed into claimant's vehicle	264.09	264.09
T87-0572	Economy Companies as Subrogee of Roxanne Jean Inman State employee struck claimant's vehicle	414.28	414.28
T87-0573	John W. Arness State car rolled into claimant's parked vehicle	521.06	521.06

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T87-0579	William Baldwin and Thomas Baldwin Property damages when patient escaped from Independence MHI and committed suicide in claimant's house	705.00	305.00
T87-0581	State Farm Insurance As Subrogee of Mark Dramstad State employee struck side of claimant's vehicle due to failure to yield	3,808.50	3,808.50
T87-0583	Linda S. Medberry State employee crossed into claimant's lane of traffic damaging claimant's vehicle	758.00	758.00
T87-0584	Floyd James Lynch ISU employee backed into claimant's vehicle	275.04	187.95
T87-0588	Heiko R. Tooren U of I employee struck claimant's vehicle	115.00	78.00
T87-0591	Harlan J. Harter UNI employee struck claimant's vehicle with fork lift truck	219.80	219.80
T87-0592	Floyd Patten Personal property damaged at Iowa Vets Home	3.00	3.00
T87-0595	Joseph Sullivan ISU employee backed into claimant's vehicle	750.00	678.30
T87-0596	Paula Renee Evers UNI employee backed van into claimant's vehicle	225.00	245.29
T87-0601	Eugene Miller State employee drove into claimant's fence due to heavy fog	65.76	65.76
T88-0002	Jay Edward Cherry U of I employee backed into claimant's vehicle	723.17	610.95
T88-0003	Charles O. Reese Personal property damaged while at Iowa State Penitentiary	1,200.00	40.00
T88-0006	Ramonyca M. Howard State employee backed into claimant's vehicle with school bus	338.26	338.26
T88-0007	United Fire & Casualty as Subrogee to Donald Tauke Property damages when ISU Agricultural Extension Office was moving out from building	511.16	511.16
T88-0008	Dana J. Breese State employee backed into claimant's vehicle	19.15	19.15

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0011	Motor Club of Iowa as Subrogee of Louis Landweber U of I employee backed into claimant's vehicle	632.34	632.34
T88-0012	Floyd Patten Personal property disappeared while at Iowa Vets Home	30.00	30.00
T88-0013	Roy Idso Personal property disappeared while at Iowa Vets Home	40.00	25.00
T88-0015	Constance Sue Davis State employee struck claimant's vehicle	955.89	955.89
T88-0017	Mary Vahid Injuries sustained when she fell down flight of stairs at U of I campus housing facility	25,000.00	6,500.00
T88-0019	Jeffrey Glass Personal property destroyed while at Iowa State Penitentiary	61.00	45.00
T88-0032	West Iowa Telephone Company State employee was attempting to maneuver state semi through alley when he pulled down line	30.00	30.00
T88-0034	John Edward Brodell State employee backed into claimant's vehicle	400.00	381.34
T88-0043	Freda Pletchette Injuries suffered when she slipped and fell on ice outside of new Historical Building	112.00	939.00
T88-0056	Brian C. Jeppesen Water pipe broke in student dorm causing damage to property	174.00	174.00
T88-0057	Gary R. Stroh UNI employee backed into claimant's vehicle	486.85	432.42
T88-0062	Raymond M. Gloyer State employee backed semi into alley and struck overhang of claimant's building	55.75	55.75
T88-0063	Laura Tubbs Personal property lost at Iowa Vets Home	6.00	6.00
TE88-0064	Jerry L. Nail U of I employee backed into claimant's vehicle	771.35	771.35
T88-0065	Preferred Risk Group as Subrogee of Robert J. Haynes State employee struck side of claimant's vehicle	5,915.52	5,915.52

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0066	Frederick William McLaughlin U of I employee hit patch of ice and struck claimant's vehicle	408.97	408.97
T88-0067	Somchay Khamvongsa State employee rearended claimant's vehicle	Undetermined	301.79
T88-0070	Laura Lee Voorhis U of I employee backed into claimant's vehicle	Undetermined	185.89
T88-0071	Economy Fire & Casualty Co. as Subrogee of Earl Nelson State employee struck claimant's vehicle	1,237.27	1,237.27
T88-0073	Harold Tanner U of I employee turned too quickly and struck claimant's vehicle	563.51	563.51
T88-0074	Daniel B. teDuits Property damage when water main broke in U of I dorm	120.00	120.00
T88-0075	Thomas Alberts Vehicle damaged by shingles which blew off Executive Hills building	924.65	924.65
T88-0079	Wilda R. Malin Fell in parking lot of Iowa State Penitentiary	388.35	388.35
T88-0080	Grinnell Mutual Reinsurance Co. as Subrogee of Mark Miller & Cynthia Speevack Vehicle damaged by U of I tractor during snow removal in parking lot	456.77	456.77
T88-0081	Jean Clarke State employee backed into claimant's vehicle	267.80	267.80
T88-0088	Kelly J. Henry Claimant sustained burns when she stepped onto a U of I steam tunnel grate	20,000.00	6,500.00
T88-0089	Carleen Cae Newton U of I employee backed into claimant's vehicle	460.00	460.00
T88-0090	Thomas Charles Engel Property damaged by sink overflow in U of I dorm	538.00	375.00
T88-0091	Aetna Casualty Ins. as Subrogee of Janis White Vehicle damaged by shingles which blew off Executive Hills building	1,228.60	972.51
T88-0092	Bruce Michael James Dreckman ISU employee collided into claimant's vehicle	944.71	944.71

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0093	Terry K. Gray U of I employee struck claimant's vehicle	365.12	277.31
T88-0094	Lyda M. Biegler Property damages sustained when claimant fell on waxy floor at Iowa State Penitentiary	53.00	53.00
T88-0113	Interstate Power Company State employee hit patch of ice and slid into ditch, striking utility pole	384.43	384.43
T88-0114	Michael P. Farley Personal property stolen from U of I Memorial Union	1,870.00	1,870.00
T88-0115	Hilbert Raymond U of I employee struck claimant's vehicle from behind	206.92	206.92
T88-0116	David L. Jacobsson ISU employee backed into claimant's vehicle	364.90	364.90
T88-0117	Farmers Insurance Group as Subrogee of Michael Bonnelo U of I employee struck claimant's vehicle due to failure to yield	786.86	786.86
T88-0118	Rochester Midland Corporation State employee struck claimant's building	375.00	375.00
T88-0123	Donald Joseph Crow U of I employee struck claimant's vehicle due to icy roads	627.95	526.24
T88-0124	LaDonna Christensen Recovery of money for vacation and overtime pay that she did not receive from her previous employer when the business was sold	2,824.07	1,003.75
T88-0127	Kenneth Schuler Injuries suffered when UNI van he was riding in rolled in ditch	245.00	245.00
T88-0128	Helen E. Bregere Claimant fell at the bottom of the stairs due to slippery stairs in U of I building	335.00	335.00
T88-0129	James D. Hoehns Water pipe broke and caused damage to property in U of I dorm	100.25	100.25
T88-0130	Stephen Klein Wages were garnished due to error on the part of DHS Collection Services Center	60,000.00	3,500.00
T88-0131	Mildred C. Buhr Personal property damaged while at Iowa Vets Home	12.48	12.48

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0132	Susan M. Keil State employee struck claimant's vehicle	283.28	283.28
T88-0136	Brett Dee Goetsch ISU employee rearended claimant's vehicle	1,097.75	1,097.75
T88-0137	Thomas F. Berning ISU employee backed into claimant's vehicle	321.60	321.60
TE88-0138	Michael Frith ISU employee backed into claimant's vehicle	800.00	778.70
T88-0140	Darrell L. Hayes State employee struck claimant's parked vehicle	363.26	363.26
T88-0142	Betty A. Witte State employee left back door of state vehicle open, gust of wind caught it, striking claimant's car	112.36	112.36
T88-0143	Bernice Jenkins Personal property lost while at Iowa Vets Home	50.00	50.00
T88-0144	Pauline Whelan Personal property damaged by employee of Iowa Vets Home	15.00	15.00
T88-0145	Edna Algyre Personal property damaged by employee of Iowa Vets Home	9.00	9.00
T88-0146	Aldora M. Fugenschuh State employee sideswiped claimant's vehicle	767.32	787.32
T88-0150	Theresa M. Krieger U of I employee backed into claimant's vehicle	Undetermined	474.24
T88-0152	Dr. M. K. Younoszai U of I employee backed into claimant's vehicle	289.68	262.12
T88-0153	Keith McCloy State employee collided with claimant's vehicle due to improper lane turn	772.16	772.16
T88-0154	David Roger Duncan UNI employee backed into claimant's parked vehicle	392.69	392.69
T88-0155	Wilma Nealson U of I employee rearended claimant's vehicle	301.37	301.37
T88-0158	David Delfs U of I employee struck bumper of claimant's vehicle	220.00	208.82

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0160	Steven Jones Property damaged when sink overflowed in U of I dorm room	603.00	445.00
T88-0161	Ying-Chien Gwan Sustained injuries when she tripped over floor mat at U of I main library	10,000.00	5,000.00
T88-0164	McWhirter Chevrolet-Buick U of I employee backed into claimant's vehicle	1,799.68	1,799.68
T88-0168	Mary Heldt Tripped over electric cable at College Square Mall at free cholesterol test sponsored by U of I Hospitals	368.90	488.90
T88-0170	Bonnie Mackin Gate arm of parking lot struck claimant's vehicle roof	153.40	153.40
T88-0171	Heritage Mutual Insurance Co. as Subrogee of Marvin Clifton State employee struck claimant's vehicle	452.98	452.98
TE88-0174	Lu Ann Harp State employee was turning corner when door of vehicle swung open and struck claimant's vehicle	Undetermined	409.55
T88-0178	Terry Joseph Huinker U of I employee rearended claimant's vehicle	1,100.00	1,100.00
T88-0179	Harold Presthus Clothing damaged while at Iowa Vets Home	145.00	30.00
T88-0180	Double D Liquor Store State employee ran over claimant's sign	197.00	197.00
T88-0185	Michael E. Sellers U of I employee backed into claimant's vehicle	108.06	108.06
T88-0189	Mark Stoops Property damage when sink overflowed in U of I dorm room	684.00	350.00
T88-0190	John L. Derby Front tire punctured when claimant drove over reinforcing rod protruding out of cement in U of I parking lot	171.03	171.03
T88-0191	Lorinda Inman Vehicle damaged by shingles blown off Executive Hills Building	376.41	376.41
T88-0193	Julie Ann Huffaker U of I employee struck claimant's vehicle	616.73	616.73

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0206	William J. Schmitz U of I employee sideswiped claimant's vehicle	436.72	436.72
T88-0209	Ralph Brokaw Estate Personal property damaged while at Iowa Vets Home	164.00	164.00
T88-0211	Kraig Koester Sustained burns to feet and ankles when he stepped onto a U of I steam tunnel grate	25,000.00	5,000.00
T88-0214	American Family Insurance as Subrogee of Wilbur Veenstra State employee backed into claimant's vehicle	168.94	168.94
T88-0216	Bonnie Joy State employee backed into claimant's vehicle	293.01	293.01
T88-0217	Ng Hiu-Fung ISU employee backed into claimant's vehicle	211.35	193.80
T88-0218	Irwin S. Thall U of I employee backed into claimant's vehicle	953.99	953.99
T88-0219	Frank Harrison Personal property broken by Iowa Vets Home employee	26.98	26.98
TE88-0221	Edmund Urmanski State employee struck claimant's vehicle	421.30	421.30
T88-0222	Farmers Insurance Group as Subrogee of Deborah Fulton Vehicle damaged by shingles blown off Executive Hills Building	688.40	688.40
T88-0223	Troy Patterson UNI employee backed into claimant's parked car	645.00	645.20
T88-0225	Patrick Donald Courtney Personal injuries suffered when state vehicle he was riding in rolled into ditch	1,269.06	1,269.06
T88-0231	Mid-Continent Bottlers, Inc. State employee sideswiped claimant's vehicle	442.00	442.00
T88-0233	Darran Ericson Property damages sustained when state vehicle rolled into ditch	404.82	404.82
T88-0243	Verle Hickman Personal property broken at Iowa Vets Home	4.00	4.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0249	David & Barbara Guzman U of I employee rearended claimant's vehicle	612.02	612.02
T88-0250	Kirby Q. Norman State employee struck claimant's parked vehicle	213.70	213.70
T88-0251	Friedley Lincoln Mercury UNI employee struck claimant's vehicle	681.60	681.60
T88-0256	Iowa Power and Light Company State employee lost control of state vehicle and damaged utility pole	560.29	560.29
T88-0258	Farm & City Ins. Co. as Subrogee of Kimberly K. Warrell State employee rearended claimant's vehicle	1,098.07	1,098.07
T88-0259	Richard F. Amend Vehicle damaged while being stored at Iowa State Fairgrounds	673.00	673.00
T88-0263	Jodie Johnson Injuries suffered when state vehicle rolled into ditch	75.00	75.00
T88-0265	Jerry Vint Property broken by Iowa Vets Home employee	14.00	14.00
T88-0266	Kevin Daniel Anderson State employee backed into claimant's vehicle	879.76	879.76
T88-0267	Steven Busick False arrest due to error of Polk County Clerk of Court	3,000.00	500.00
TE88-0268	Yonhi Kim Clayton U of I employee struck claimant's vehicle	541.57	449.29
T88-0270	Joseph G. Tamburo Property broken by Iowa Vets Home employee	20.79	20.79
T88-0271	Mark D. Hennen Property destroyed while at Iowa Vets Home	75.00	75.00
T88-0272	Georgia A. NeSmith on behalf of her daughter, Anya Teal Injuries suffered when she stepped on sliver of glass near U of I Canoe House	111.89	111.89
T88-0278	City of Eldora, Iowa Damages for loss to plastic water mains damaged by fire that spread from the Eldora School grounds	252.00	252.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0279	Willie Winters State employee backed into claimant's vehicle	751.32	751.32
T88-0280	State Farm Mutual Automobile Ins. Co. as Subrogee of Patrick & Cindy Whetstone U of I employee backed into claimant's vehicle	259.39	259.39
T88-0283	Kenneth D. Carter Vehicle damaged while in storage at Varied Industries Building	420.00	420.00
T88-0285	Scott R. Lindholm Vehicle damaged in parking lot at Iowa State Fairgrounds	234.96	234.96
T88-0286	Catherine A. Campbell Vehicle damage from spike sticking out of parking block at Toledo Juvenile Home	61.10	61.10
TE88-0287	Continental Western Insurance Co. as Subrogee for Robert W. Bidwell & Robert W. Bidwell State employee struck claimant's vehicle	13,685.28	15,470.99
T88-0290	Eugene Brokaw Back pay for being placed in segregation	1,274.00	37.47
T88-0298	Richard G. Voss State employee drove into claimant's residence rental property	4,930.92	4,500.00
T88-0300	Aaron Keith Hawbaker UNI employee lost control of state van injuring claimant	591.08	591.08
TE88-0303	Gust Fritzel UNI employee backed into claimant's vehicle	Undetermined	365.07
T88-0305	American Family Insurance as Subrogee of Dennis Howard Cloe State employee struck claimant's vehicle	233.67	233.67
T88-0311	Gary A. Gatrell Damages due to clerical error of Child Support Recovery Unit	5,000.00	1,500.00
T88-0312	Riley Stoker Corp. U of I employee backed into claimant's vehicle	275.64	275.64
T88-0313	Stephen Mark Schneider UNI employee backed into claimant's vehicle	547.27	547.27
T88-0317	Michael L. Knupp Windshield damaged by rocks thrown from DNR truck	1,065.90	1,065.90

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
TE88-0321	Mutual Fire & Automobile Ins. Co. as Subrogee of Richard and Lori Fogle State employee struck claimant's vehicle due to failure to yield	424.22	424.22
T88-0322	Mr. John Dasher dba McDonald's ISU employee struck top left corner of building with state delivery truck	Undetermined	124.80
T88-0323	State Farm as Subrogee of Keith McRoberts ISU employee backed into claimant's vehicle	216.85	216.85
T88-0325	Dennis J. Ashbaugh Damage done to original art work loaned to Iowa Arts Council	12,000.00	12,000.00
T88-0326	Harlan Anderson Vehicle damaged by rocks thrown by DRN lawnmower	250.00	221.60
T88-0327	Barbara Nunn Property damaged while at Iowa Cor- rectional Institute	31.60	20.00
T88-0328	Kimberly Frazier Property damaged while at Iowa Cor- rectional Institute	99.00	99.00
T88-0335	Nadine Sue Kelley Vehicle damaged due to overspray of paint while parked in DOT lot	55.00	55.00
T88-0336	Chester L. Shook Vehicle damaged due to overspray of paint while parked in DOT lot	55.00	55.00
T88-0337	Carol Rowe Property damaged while at Iowa Cor- rectional Institute	90.00	69.00
T88-0341	Richard Schuler Damages due to clerical error at DHS Collection Services Center	3,000.00	2,500.00
TE88-0342	Loren Van Sprouse State truck struck bump throwing gasoline can from truck striking clai- mant's vehicle	270.92	270.92
T88-0343	Dorothy Brim Sign stored in DOT storage was des- troyed	46.76	46.76
T88-0346	Harry J. Buckanaga U of I employee backed into clai- mant's vehicle	604.42	546.89
T88-0347	Judy Rowles and Auto Owners Insurance U of I employee struck claimant's vehicle	1,400.00	1,510.10

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0349	Employers Mutual as Subrogee of William & Lorrie McFerrin A dead tree, located on DHS prop- erty, fell and damaged fence and satellite dish	1,330.34	1,330.34
T88-0350	Myrna Pitstick Property damaged while at Iowa Cor- rectional Institute for Women	90.00	50.00
T88-0353	Daniel Hickey Motorcycle slipped out from under him due to the street in state park being algae covered	298.84	298.84
T88-0360	Timothy R. Kohler Windshield was broken by rock thrown by mower	201.03	201.03
T88-0361	Charles E. Dietrick, III U of I employee backed into clai- mant's vehicle	259.84	259.84
T88-0363	Scott Arthur Willman ISU employee backed into claimant's vehicle	260.00	249.38
T88-0364	State Farm Insurance as Subrogee of Frank Lenane U of I employee struck claimant's vehicle	469.94	469.94
T88-0365	Mary Lea Gillespie State employee backed into claimant's vehicle	210.96	210.96
T88-0367	Great American Insurance Co. as Subrogee of Kingsley Grant U of I employee collided with clai- mant's vehicle due to icy roads	2,273.69	1,818.96
T88-0369	Douglas MacArthur White U of I employee struck claimant's vehicle	500.00	518.19
T88-0372	Wendle Riekema Clothing was lost at Iowa Vets Home	20.00	20.00
T88-0374	Steven E. Harvey State employee backed into claimant's vehicle	114.55	114.55
T88-0376	Matthew Bradley Personal property stolen at Clarinda Correctional Treatment Unit	10.37	10.37
T88-0381	James French DBA Can Do Liquor State employee backed into claimant's parked vehicle	1,086.84	1,086.84
T88-0386	Carlo Lamagna Gallery Replacement of lost painted canvas on loan to Arts Council	11,217.01	11,217.01

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0388	Esther Grant Claimant fell on steps outside fish hatchery	Undetermined	1,065.10
T88-0391	Gaylord Scandrett ISU employee backed into claimant's parked vehicle	178.10	112.40
T88-0394	Charlene Lorraine Thomas U of I employee backed into claimant's vehicle	1,112.29	1,112.29
T88-0398	Neal Paulson, Jr. Property lost at Iowa Vets Home	80.00	80.00
T88-0399	Grinnell Mutual Reinsurance Co. as Subrogee of George & Thelma Nopoulos State employee driving state vehicle drove through alley striking claimant's air conditioner	615.32	615.32
T88-0401	Continental Western Insurance Co. as Subrogee of Carl & Irene Molander State employee collided with claimant's vehicle	6,717.59	6,717.59
T88-0404	Jeffrey Decker Falsely arrested due to clerical error on the part of Polk County Clerk of Court	2,500.00	1,200.00
T88-0405	Christopher Rasmussen Vehicle damaged by rock thrown by General Services vehicle	76.96	76.96
T88-0406	Mary E. Derrick ISU employee backed into claimant's vehicle	36.70	36.70
T88-0407	New Hampshire Insurance Co. as Subrogee of Steven Robert Anderson State employee collided with claimant due to failure to yield	489.98	489.98
T88-0410	Allied Mutual Insurance Co. as Subrogee of Lorraine S. Hummer State employee collided with claimant's vehicle	681.22	681.22
T88-0422	Iowa Mutual Insurance Co. as Subrogee of Ramon & Rosina Holtz State employee collided with claimant's vehicle	379.02	379.02
T88-0423	John A. Seddon ISU employee rearended claimant's vehicle	491.95	491.95
T88-0424	Larry M. Blumberg ISU employee backed into claimant's vehicle	907.64	907.64

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0426	Rapids Reproductions, Inc. U of I employee backed into claimant's vehicle	64.85	64.85
T88-0430	Janet Kness on behalf of her daughter, Emily Kness Claimant fell on broken pop bottle at Palisades Kepler State Park	90.00	90.00
T88-0431	Naomi Varney Property damages while at Iowa Correctional Institute for Women	49.99	49.99
T88-0433	Jose Zorilla Injuries suffered when state vehicle he was riding in rolled into the ditch	2,356.10	2,356.10
T88-0435	State Farm Insurance Co. as Subrogee of Arthur Pouloupoulos U of I employee backed into claimant's vehicle	2,850.92	2,850.92
T88-0437	Rosalind Anderson Property damaged by Iowa Vets Home employee	15.00	10.08
T88-0438	David Kramme State employee struck the claimant's parked vehicle	107.80	107.80
T88-0439	Robert L. Jones Property was lost while at Iowa Vets Home	150.00	166.40
T88-0440	Farm Bureau Insurance as Subrogee of Anthony W. Mealhouse UNI employee struck claimant's vehicle	947.72	1,047.72
T88-0444	Misterek & Carlberg Properties, Inc. State employee backed into claimant's building damaging its gutter	350.80	350.80
T88-0446	James Swacker DBA Last Stop Beverage Shop State employee backed state semi into claimant's building	447.00	447.00
T88-0447	Maryanne Nelson U of I employee backed into claimant's parked vehicle	75.68	57.76
T88-0449	Ronald P. Lincoln State employee backed into claimant's vehicle	341.52	341.52
T88-0450	Michelle Gode Clothing damaged when she sat on bench with wet paint at the Iowa State Fair	40.00	40.00
T88-0453	Karrie Ann Youngs State employee collided with claimant's vehicle	852.28	797.43

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0456	Gladys G. Sparks Clothing damaged when she sat on bench with wet paint at the Iowa State Fair	19.99	19.99
T88-0459	Robert M. Kennedy UNI employee backed into claimant's parked vehicle	Undetermined	487.78
T88-0461	Lawrence Johnsen Property was lost during office relocation	78.00	78.00
T88-0462	Lawrence Johnsen Property was lost during office relocation	120.00	120.00
T88-0465	Principal Casualty as Subrogee of Donald D. Deakins State employee rearended claimant's vehicle	2,000.00	2,000.00
T88-0466	Michael G. Ekstrum State employee backed into claimant's parked vehicle	256.69	256.69
T88-0469	Eunes Kinsky Property damaged while at Iowa Vets Home	50.00	35.00
T88-0472	Mary Olson State employee rearended claimant's vehicle	167.15	167.15
T88-0476	State Farm Insurance as Subrogee to John Schnicker Claimant's vehicle was damaged by spray brooms which fell out of Cushman Golf Cart at UNI golf course	260.00	260.00
T88-0481	Marion Van Gorp State employee struck awning of claimant's building with trailer he was pulling	86.84	86.84
T88-0483	Leota Whiting Clothing damaged by wet paint left on bench at Iowa State Fair	25.00	25.00
T88-0484	Lettuce Entertain You Enterprises UNI employee backed into claimant's vehicle	258.88	174.00
T88-0490	Allied Group Insurance as Subrogee of Kathy Mason Vehicle damaged when hit by trailer being pulled by state vehicle	961.46	897.75
T88-0491	Claire Ann Smick UNI employee backed into claimant's vehicle	530.00	519.34
T88-0492	Laurie Olson Vehicle damaged by rock thrown by mower at Iowa Vets Home	143.74	143.74

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T88-0505	Aetna Insurance as Subrogee of John Seddon See T88-0423	4,519.00	4,419.00
T88-0506	Michael Lowe, Jr. Clothing lost while at Cherokee Men- tal Health Institute	40.00	40.00
T88-0508	Wallace O. Terhune U of I employee backed into claimant's vehicle	229.66	229.66
T88-0509	Stratton Trucking Co. State employee rearended claimant's vehicle	595.92	595.92
T88-0511	Marjorie Joan De Gonia Windshield damaged from sand thrown from state truck	Undetermined	294.87
T88-0512	Judith Ann Flanagan State employee backed into claimant's vehicle	548.45	447.64
T88-0519	Joseph P. Cangas U of I employee backed into claimant's vehicle	244.20	208.87
T88-0522	State Farm as Subrogee of June & David Lokken-Hopkins ISU employee backed into claimant's vehicle	806.21	806.21
T88-0533	Misterek & Carlberg Properties, Inc. State employee backed into claimant's building	395.80	395.80
T88-0535	Karen Rech, mother of Debra Ann Denhardt State employee rearended claimant's vehicle	403.96	403.96
T88-0536	Don L. Phillips ISU employee struck claimant's vehicle	148.95	148.95
T88-0538	Shield Transportation Corporation U of I employee struck claimant's vehicle	95.18	95.18

**CHAPTER 25A -- HIGHWAY TORT CLAIMS  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL -- 1988**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-1158-69-T	Clerk of Sarpy County Court (Settlement) Personal Injury	\$ 2,000,000.00	\$ 7,500.00
H-332-70-T	Thomas Clyde Shearer, Ind., & as	200,000.00	
H-337-70-T	Adm. of the Estate of Gladys I.	500,000.00	17,500.00
H-386-70-T	Shearer & Wayne G. Prichard, Attorney (Settlement) Personal Injury Wrongful Death	100,000.00	

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-422-70-T	Guaranty Bank & Trust Co., Cons. for Abbie Faith Sandhagen (Settlement) Wrongful Death	3,000,000.00	7,500.00
H-541-71-T	David Hoth & Gerald Crawford (Settlement) Personal Injury Property Damages	601,710.00	27,430.31
H-650-71-T	Casualty Financial Property Damages	1,001,000.00	17,250.00
	Bradley Lathrop & Tim Pearson, Attorney (Settlement) Personal Injury		14,437.50
H85-0051	Nola Werner and Steve Udelhofen (Settlement) Personal Injury Property Damages	204,000.00	4,500.00
H85-0082	Guaranty Bank and Trust Co., Cons. for Joy Marie Sandhagen (Settlement) Personal Injury	250,000.00	7,500.00
H85-0083		250,000.00	
H85-0101	Universe Company, Inc. and the Gamble, Reipe, Webster, Davis & Green Law Firm (Settlement) Property Damages	18,885.77	10,330.00
H85-0163 through H85-0174	Cassie Rose Huisman, Ind. & as surviving daughter of Rhonda Kay Huisman, by her guardians and co- conservators, Sandra K. Huisman and Lynn Bonwell, et al. (Settlement) Personal Injury	750,000.00 total	2,500.00
H85-0207	Shirley Osborne, George Osborne & Shirley Osborne & George Osborne as conservators of Alicia Osborne (Settlement) Property Damages Personal Injury	1,017,500.00 1,017,500.00	425,000.00
H85-0231	Grant G. Wells, Adm. of the Estate of Janet E. Motroni, & McDonald, Stonebrake & Cepican Law Office (Settlement) Wrongful Death	750,000.00	90,000.00
H85-0232			
H86-0051	Jeffrey Alan McGinn, Barbara McGinn, as conservator & Dennis F. Chalupa, Attorney (Settlement) Personal Injury	500,000.00	40,000.00
H86-0052			
H86-0057			
H86-0164	Ethel Lauree Deal, as Exec. of the Estate of Robert L. Deal, Dec. and David S. Wiggins & Donald C. Wilson, Attorney (Settlement) Property Damages	4,761,691.07	5,833.33

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H86-0355	Northwestern Bell Telephone Co. (Settlement) Property Damages	1,091.71	500.00
H87-0213	John D. Driscoll (Settlement) Property Damages	419.40	421.92
H87-0242	United Fire & Casualty Co. and its counsel, R. J. Tilton (Settlement) Property Damages	2,170.00	1,000.00
H88-0003	Michael T. Harger, James L. Harger and James Steffs, their attorney (Settlement) Property Damages	978.06	1,021.72

**CHAPTER 25A HIGHWAY TORT CLAIMS  
APPROVED BY STATE APPEAL BOARD, 1988**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0353	Verla Rae Kellen Collision between DOT snowplow and claimant's vehicle	\$ 1,791.18	\$ 500.00
H87-0039	Gerald P. Flemming Crop loss due to flooding because of negligence in maintenance of flood control flap gate	637.50	637.50
H87-0128	David Rex Bunch Vehicle damaged when DOT mower kicked out chunk of wood	189.11	157.28
H87-0171 H87-0251	United Security as Subrogee of Elaine Ellis and Ivyl Ellis DOT vehicle made a left turn in front of claimant's vehicle	1,202.70 1,152.21	1,152.21
H87-0176	Allied Insurance as Subrogee of Jane Renz DOT maintenance truck backed into claimant's vehicle	884.30	943.16
H87-0205	Jerome P. Schoenherr Fence damaged by DOT truck	87.00	87.00
H87-0216	Allstate as Subrogee of Joe Belluchi DOT truck backed into vehicle	982.52	948.95
H87-0218	Timothy Glen Neal Windshield damaged by sand thrown by DOT maintenance truck	192.48	192.48
H87-0221	Eugene Stillmunkes DOT tractor mower damaged fence	53.50	53.50
H87-0225	Charles W. Stearns Vehicle damaged by rock thrown by rock compressor	230.29	239.29

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H87-0228	Ralph I. Cook Paint form extending beyond side of DOT vehicle hit vehicle	50.01	50.01
H87-0231	Philip R. Krieg Vehicle damaged by debris thrown by DOT mower	44.46	44.46
H87-0233	Harold F. Swaney Vehicle damaged when struck by DOT truck	156.45	156.45
H87-0237	Iowa Electric Light & Power Street light broke by DOT truck	303.30	303.30
H87-0241	Grinnell Mutual Insurance as Subrogee of June N. Anderson Vehicle damaged when struck by DOT road maintainer	2,132.61	2,132.61
H87-0246	Walter F. Mason, Jr. Vehicle damaged by rock thrown by DOT mower	170.45	170.45
H87-0247	Iowa Power & Light Service line was disrupted by reset pole	170.65	170.65
H87-0263	Northwestern Bell Telephone Co. DOT severed telephone cable	676.78	676.78
H87-0265	Northwestern Bell Telephone Co. DOT damaged telephone cabinet	459.46	240.16
H87-0266	Phyllis M. Edwards Damages to vehicle and claimant when rock and debris were forced out of air compressor	1,117.35	1,260.45
H87-0267	Richman Auto Parts Awning, drainspout and light damaged by DOT truck	245.00	245.00
H87-0268	Allied Mutual as Subrogee for Clifford Duane Lamb Vehicle damaged by traffic recorder hose	910.69	910.69
H87-0270	Russell Leroy Neville Windshield cracked by rocks thrown by air compressor	40.00	40.00
H87-0271	Thomas J. Roy, Jr. Vehicle damaged when struck in rear by DOT car	722.35	722.35
H87-0273	Kenneth M. Johnson Vehicle damaged by object thrown by DOT mower	96.64	96.64
H87-0274	Doris E. Cook Collision between claimant's vehicle and DOT vehicle	2,500.00	1,400.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H87-0276	Keith Dale Craighton Vehicle damaged by object thrown by DOT mower	414.43	414.43
H87-0277	Brenda S. Strange Collision between claimant's vehicle and DOT vehicle	2,500.00	8,500.00
H87-0279	Northwestern Bell Telephone Co. Damaged telephone cable	227.44	113.72
H87-0283	Orville L. Brown Windshield damaged by rocks thrown from spreader	239.82	239.82
H87-0284	Kevin Ray Gearhart Vehicle damaged by piece of wood thrown by DOT mower	224.63	224.63
H87-0288	United Fire & Casualty as Subrogee of Glen Hinze Windshield damaged by rocks thrown from mower	214.51	214.51
H87-0289	Michael Ederly Curtis Vehicle damaged by paint overspray	310.96	269.60
H87-0292	Ronald B. Gillum, Sr. Vehicle damaged by sand thrown by sanding truck	395.27	395.27
H87-0295	Farm Bureau Mutual Insurance Co. as Subrogee of Charles J. Cowen Collision between claimant's vehicle and DOT vehicle	465.68	465.68
H87-0296	Steven Robl Collision between claimant's vehicle and DOT vehicle	461.75	461.75
H87-0298	Walter Loecke Vehicle damaged by debris thrown by DOT mower	Undetermined	164.34
H87-0299	Acco Unlimited Corp. Vehicle damaged when struck in rear by DOT vehicle	358.76	358.76
H87-0303	Winmor Construction Company, Inc. Vehicle damaged by ruptured aerosol spray can	150.00	156.00
H88-0004	Richard D. Miller DOT pickup rolled down an incline and hit parked vehicle	217.96	217.96
H88-0005	Darl W. Wolett Parked vehicle struck by DOT vehicle	338.05	338.05
H88-0007	Robert W. Branson Vehicle damaged by DOT snowplow	866.68	866.68
H88-0008	John Schuller Parked vehicle struck by DOT vehicle	226.72	226.72

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0009	Union Electric Co. Power pole broken by road grader	1,077.01	1,077.01
H88-0010	Dennis Eljer Andersen Vehicle damaged by fallen sander guard	100.96	100.96
H88-0012	Ace Auto Recyclers, Inc. Vehicle damaged by DOT snowplow	1,236.20	1,236.20
H88-0014	Sally Simpson Vehicle damaged by loose seal coating rock	398.50	275.08
H88-0015	Michelle Denise Mullicia Collision with DOT maintenance vehicle	1,159.47	900.00
H88-0018	Frank Beadle Parked vehicle struck by DOT vehicle	326.96	326.76
H88-0019	Terminal Grain Corp/Carleton H. Magoun Windshield damaged by sanding truck	297.58	297.58
H88-0020	City of New Hampton Sewer lines damaged by leaking asphalt mixture	760.88	760.88
H88-0021	Daniel H. Mauch Vehicle damaged by loose seal coating rock	205.10	204.22
H88-0022	Daniel H. Mauch Vehicle damaged by loose seal coating rock	186.08	180.55
H88-0023	Daniel H. Mauch Vehicle damaged by loose seal coating rock	293.24	263.85
H88-0025	Donald W. Master Vehicle damaged by loose seal coating rock	191.45	191.45
H88-0026	Kevin R. White Vehicle damaged by sand thrown by DOT sander	1,035.00	1,026.20
H88-0029	Grinnell Mutual Insurance as Subrogee of Michael Artist Vehicle struck by DOT snowplow	261.80	261.80
H88-0031	Rick L. Cole Vehicle struck by DOT snowplow	314.00	314.00
H88-0033	Edward C. Jensen Vehicle struck by DOT snowplow	1,827.75	1,833.07
H88-0036	William Jay Baker Vehicle damaged when struck snow- plow shoe	692.99	692.99
H88-0037	Donald Parr Vehicle damaged by loose seal coating rock	216.72	216.72

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0038	Pierre Marion Windshield broken by sand thrown by DOT sand truck	763.10	763.10
H88-0039	Jackie S. Woodward Vehicle damaged by loose seal coating rock	205.54	205.54
H88-0040	Karen G. Keep Windshield damaged by sand thrown by sanding truck	266.71	266.71
H88-0045	James L. Trede Parked vehicle struck by DOT vehicle	670.43	670.43
H88-0046	Tracy Carter DOT snowplow backed into claimant's vehicle	1,331.02	1,204.91
H88-0047	Phyllis Dobrovlny Vehicle damaged by loose seal coating rock	230.31	230.31
H88-0049	Mary Jane Rickard Windshield damaged by rock thrown by DOT sand truck	35.00	35.00
H88-0050	Richard Martin Belt, Jr. Vehicle damaged by loose seal coating rock	277.05	277.05
H88-0052	Interstate Power Co. DOT vehicle slid through red light into claimant's vehicle	179.92	179.92
H88-0053	John Waderich Vehicle damaged by loose seal coating rock	224.67	224.67
H88-0054	Steve Paul Howland Vehicle damaged by loose seal coating rock	509.11	502.24
H88-0055	Terry Lee Roberts DOT snowplow backed into claimant's vehicle	894.44	847.15
H88-0056	Kim Parr Vehicle damaged by loose seal coating rock	218.14	216.79
H88-0057	Deana L. Fredericksen Vehicle was struck by DOT snowplow	2,675.00	880.00
H88-0058	Carl D. Mutchler Windshield damaged by gravel thrown by DOT truck	198.88	198.88
H88-0061	Terry Louis Avenarius DOT snowplow backed into claimant's vehicle	211.60	211.60
H88-0062	Christine Lui DOT snowplow backed into claimant's vehicle	184.00	184.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0063	David C. Doolittle Parked vehicle struck by DOT vehicle	71.98	71.98
H88-0065	Lewis Warren Emry Damaged vehicle when struck DOT snowplow shoe	266.76	266.76
H88-0066	Merrill E. Conzett Windshield damaged by sand thrown by DOT sand truck	238.74	238.74
H88-0067	Gregory Lewis Pink Windshield damaged by debris thrown by sanding truck	210.11	210.11
H88-0070	Catherine A. Hanson Vehicle damaged by loose seal coating rock	256.10	256.10
H88-0071	Denver D. Dillard Windshield damaged by sand and gravel thrown by DOT sand truck	173.78	173.78
H88-0072	Lovena Henderson Claimant's vehicle was struck by DOT motor vehicle	275.50	275.50
H88-0073	William Lee Adams Vehicle damaged by loose seal coating rock	189.52	186.39
H88-0074	William Lee Adams Vehicle damaged by loose seal coating rock	201.64	187.12
H88-0076	American States as Subrogee of Deanna Fredericksen See H88-0057	2,200.00	2,717.92
H88-0077	John W. Comfort Vehicle damaged by loose seal coating rock	253.81	253.81
H88-0079	Timothy Scheidel Collision between claimant's vehicle and DOT vehicle	3,063.72	2,478.52
H88-0081	James Douglas McIntire Windshield damaged by sand spread by DOT sand truck	291.46	274.65
H88-0082	M & M Transfer Company DOT snowplow slid into claimant's parked semi	203.68	203.68
H88-0084	John W. Dillon Vehicle damaged by sand thrown by DOT sanding truck	286.24	286.24
H88-0085	Kenneth C. Lynch Vehicle damaged by sand thrown by DOT sanding truck	350.12	350.12

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0086	Lyon County Highway Dept. DOT snowplow damaged bottom panel of the overhead door with its discharge chute	375.08	375.08
H88-0087	Douglas Lee Hearn Windshield damaged by sand thrown by DOT sand truck	345.48	345.48
H88-0088	Carolyn Brenneman Windshield damaged by sand thrown by DOT sand truck	223.97	214.76
H88-0089	Northwestern Bell Telephone Co. Cabinet damaged by DOT while con- ducting a mowing operation	81.54	40.77
H88-0090	Robert Steiner Vehicle damaged by loose seal coating rock	597.70	597.70
H88-0091	Robert Steiner Vehicle damaged by loose seal coating rock	173.92	173.92
H88-0092	Donald Davis Vehicle damaged by loose seal coating rock	181.20	181.20
H88-0093	L. P. Brenner Vehicle damaged by loose seal coating rock	420.13	420.13
H88-0094	Brenner Farms Vehicle damaged by loose seal coating rock	306.33	306.33
H88-0095	L. P. Brenner Vehicle damaged by loose seal coating rock	245.16	245.16
H88-0096	Brenner Farms Vehicle damaged by loose seal coating rock	380.09	380.09
H88-0097	Brenner Farms Vehicle damaged by loose seal coating rock	472.13	472.13
H88-0098	Dynise Collum, Jr. DOT truck rolled back into a vehicle which was pushed into claimant's vehicle	149.92	139.92
H88-0099	Duane Elgin Vehicle damaged by DOT snowplow	2,001.78	1,150.00
H88-0100	Harbach's Garage Vehicle damaged by DOT snowplow	1,761.88	1,350.00
H88-0102	Dean E. Hildreth DOT vehicle lost control and struck claimant's vehicle	2,214.69	2,100.29

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0105	Kendall Hootman DOT Motor Vehicle Enforcement Officer skidded through stop sign and caused three vehicle accident	641.72	641.72
H88-0106	Motor Club of Iowa as Subrogee for Floyd Hackman Vehicle damaged by DOT snowplow wing	1,902.51	1,902.51
H88-0107	General Casualty Co. as Subrogee of Dynise Collum See H88-0098	746.99	656.99
H88-0111	Aetna Casualty Ins. as Subrogee of Alan's Inc. Parked Vehicle struck by DOT snowplow	118.66	118.66
H88-0112	General Casualty Ins. Co. as Subrogee of Kendall Hootman See H88-0105	2,174.78	2,174.78
H88-0113	Gary Roger Prell Vehicle damaged by loose seal coating rock	626.49	626.49
H88-0117	Kenneth Fagen Utility service was severed when DOT was cutting down trees near claimant's property	899.87	899.87
H88-0119	Northwestern Bell Telephone Co. Underground communications was damaged by truckmounted post hole auger	872.11	872.11
H88-0121	Continental Western Ins. Co. as Subrogee of Angela Smith Vehicle sideswiped by DOT snowplow	622.12	622.12
H88-0122	J. B. Hunt Transport, Inc. DOT snowplow backed into claimant's vehicle	1,661.09	1,089.18
H88-0123	Betty Ann Parks DOT vehicle failed to maintain con- trol and collided with claimant	280.13	140.07
HE88-0124	Daniel E. Stowe, Sr. Vehicle damaged when struck in rear by DOT vehicle	10,000.00	1,000.00
H88-0126	Steve L. Reeves Windshield damaged by gravel thrown from DOT dump truck	146.38	179.91
H88-0127	Steven L. Hildebrand Parked DOT truck rolled into claimant's vehicle	249.60	249.60

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0128	Alice M. Koob Windshield damaged by sand thrown from DOT sand truck	183.04	183.04
H88-0131	Lawrence Byron Picket fence damaged by the snow removal operation	75.00	37.50
H88-0135	Catherine Marie Strautman Vehicle damaged by fresh road paint	564.60	564.60
H88-0136	Martin Transport Limited DOT snowplow backed into the claimant's vehicle	294.00	294.00
H88-0137	Kermit B. Parr Vehicle damaged by loose seal coating rock	238.30	238.30
HE88-0139	Thomas P. Houlihan Vehicle was damaged when struck by DOT service vehicle	353.60	353.60
H88-0140	Motor Club of Iowa DOT vehicle collided with claimant's vehicle	1,880.51	1,680.51
H88-0141	State Farm Insurance as Subrogee of Michael & Regina Mullins See H88-0105	2,935.25	2,935.25
H88-0143	Christopher L. Turner Windshield was damaged by rocks thrown by DOT truck	244.95	244.95
H88-0145	Karen S. Wood Vehicle was damaged when struck in rear by DOT vehicle	482.04	555.79
H88-0146	Garry Leahy DOT semi-trailer backed out of main- tenance garage and struck claimant's vehicle	365.91	365.91
H88-0148	Joan B. Watts Vehicle damaged when struck by sign fallen out of DOT truck	260.64	239.64
H88-0151	Martha M. Widner Vehicle damaged by rock thrown from DOT mower	158.85	158.85
H88-0152	Dennis Seifers Vehicle damaged by can of spray paint	148.80	148.80
H88-0153	Dorothy Springer Collision involving DOT sign and clai- mant's vehicle	74.37	74.37
H88-0154	Duane Springer Collision involving DOT sign and clai- mant's vehicle	644.21	617.40

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0162	Joseph Edward Best Vehicle damaged from gravel thrown from DOT truck	235.15	235.15
H88-0164	Gary Clifton Stockberger Vehicle damaged from rock thrown from DOT mower	142.34	142.34
H88-0166	Tiran R. Casteel Vehicle scratched from brush hung over DOT truck	165.84	165.84
H88-0168	Ken Daniel Schnellbacher Vehicle damaged by rocks thrown from DOT mower	Undetermined	248.59
H88-0171	Iowa Lakes Electric Coop. Utility pole damaged by operation of hydroscoop	307.08	307.08
H88-0172	Eugene J. DenBeste Vehicle damaged when struck by DOT profilometer trailer	485.49	485.49
H88-0173	Michael Nystel Vehicle damaged by rock thrown by DOT mower	356.49	356.49
H88-0174	Brenda Lee Menuey Vehicle damaged by road paint	81.12	81.12
H88-0175	Northwestern Bell Telephone Co. Telephone cable was damaged during digging of post hole	577.59	577.59
H88-0176	Paul Henry Croy DOT truck backed into claimant's vehicle	470.43	458.88
H88-0177	Janne Dusenberry Vehicle was damaged by DOT vehicle backing out of parking lot	675.92	502.42
H88-0178	Lelia A. Jordan Vehicle damaged when struck by rock falling off DOT truck	168.00	168.00
H88-0179	Michael C. McIntyre Tire was damaged by traffic counter hose	6.00	54.40
H88-0181	Carole A. Hansen DOT employee backed into claimant's vehicle	99.40	49.70
H88-0187	Allamakee Community School Dist. Vehicle damaged by rock thrown by DOT mower	298.53	298.53
H88-0190	Jenny J. Mogensen Claimant's vehicle struck by DOT vehicle	615.88	615.88
H88-0192	Iron Specialties Vehicle damaged by rock thrown by DOT truck	189.49	177.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0193	Ralph Hardin Vehicle damaged by rock which fell from DOT truck	261.04	261.04
H88-0194	State Farm Insurance as Subrogee of David Scherrman Insured collided with large pile of sand and salt that had fallen off DOT truck	6,260.00	5,760.00
H88-0198	Paul H. Ronnei Windshield was damaged by rocks thrown by edgerutter	Undetermined	264.16
H88-0201	Pam Ryder Windshield damaged by crack sealing operation	289.02	289.02
H88-0202	James Alvin Nelson Motorcycle collided with DOT pickup truck	1,191.00	788.00
H88-0205	Margaret Louise Gleason Vehicle damaged by debris thrown from DOT mower	648.88	648.88
H88-0208	Willis M. Hansen Vehicle damaged by rock thrown from DOT mower	215.52	215.52
H88-0210	Jarry Schmidt Vehicle damaged by gravel thrown from DOT truck	393.50	268.08
H88-0211	Boyd K. Iverson Collision between claimant's vehicle and DOT vehicle	591.04	591.04
H88-0216	Joseph B. Harper Vehicle grill damaged when struck by debris thrown by hand mowing equipment	161.98	161.98
H88-0219	Shirley Marie Johnson Vehicle damaged by rock thrown by DOT tractor mower	400.00	320.63
H88-0222	Carol Jean Haug Vehicle damaged by rock thrown by DOT tractor mower	85.60	85.60
H88-0228	Russell Mac Long Vehicle damaged by rock thrown by DOT mower	285.28	264.62
H88-0230	Paul D. Estrem Vehicle damaged when struck by DOT tractor mower	290.00	290.00
H88-0231	Mutual Insurance Co. as Subrogee for Sherry McDonald Vehicle damaged when struck in rear by DOT pickup	1,500.00	1,500.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H88-0235	Michael Joseph Wallace Claimant's vehicle was struck by DOT vehicle	1,143.45	917.96
H88-0243	Orle W. Rolison Windshield damaged by rock thrown from DOT truck	199.73	199.73
H88-0245	Marc Francis Bohnenkamp Vehicle damaged by rock thrown by DOT mower	176.03	176.03
H88-0250	Ronald J. Kunze Vehicle damaged by rock thrown by DOT mower	246.06	246.06
H88-0273	Sherry Lynn Honken Malfunction on valve of oil distributor tank causing tar to spray on claimant and claimant's vehicle	522.16	522.16
H88-0277	William H. Howard Windshield was damaged by rock thrown from DOT mower	305.43	305.43

## APPOINTMENTS

Speaker Avenson announced the following appointments:

### ADMINISTRATIVE RULES REVIEW COMMITTEE (Section 17A, Code of Iowa)

David Schrader (Replacing Ed Parker) ..... Appointed to an unexpired term ending April 30, 1991

Emil Pavich (Replacing David Tabor)..... Appointed to an unexpired term ending April 30, 1991

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 126 State Government

Relating to research, review, and evaluation with respect to certain health-related legislative proposals, providing for contracting arrangements and a structure for organization and coordination, imposing fees, providing for the appropriation of funds, and providing other properly related matters.

### H.S.B. 127 Energy and Environmental Protection

Establishing a system of refunds and returns on certain pesticide containers and providing penalties.

### H.S.B. 128 Transportation

Relating to transportation programs by requiring certain moneys credited to the Iowa railway finance authority be repaid from the

general fund to the road use tax fund and authorizing the creation of an intermodal transportation study.

**H.S.B. 129 Judiciary and Law Enforcement**

Relating to victim notification, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, and notification to victims by various departments.

**H.S.B. 130 Judiciary and Law Enforcement**

Relating to the purchase or sale of an individual and providing a penalty.

**H.S.B. 131 Economic Development**

Allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure.

**H.S.B. 132 Economic Development**

Relating to the use of federal and state funding sources to finance job training through vocational education.

**H.S.B. 133 Small Business and Commerce**

Relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

SUBCOMMITTEE ASSIGNMENTS

**House File 33**

Local Government: Mertz, Chair; Peters and Royer.

**House File 35**

Natural Resources and Outdoor Recreation: Lykam, Chair; Pellett and Tabor.

**House File 36**

Natural Resources and Outdoor Recreation: Schrader, Chair; Diemer and Fuller.

**House File 48**

Local Government: Bisignano, Chair; Brown and Diemer.

**House File 51**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 52**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 54**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 61**

Labor and Industrial Relations: Peters, Chair; Brammer and Hester.

**House File 69**

Local Government: Fuller, Chair; Eddie and Shearer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 113**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 114**

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

**House Study Bill 115**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 116**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 125**

Economic Development: Brand, Chair; Branstad and Svoboda.

**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 NATURAL RESOURCES AND OUTDOOR RECREATION**

**Committee Bill (Formerly House Study Bill 17)**, providing for nonresident hunting licenses for deer and wild turkey.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 1989.

On motion by Arnould of Scott, the House adjourned at 9:36 a.m., until 10:00 a.m., Monday, January 23, 1989.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 23, 1989

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

Prayer was offered by the Honorable Pat Harper, state representative from Black Hawk County.

The Journal of Thursday, January 19, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKinney of Dallas, for an indefinite period of time, on request of Harbor of Mills.

## 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, 1989, amended and adopted the following resolution in which the concurrence of the House is asked:

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

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House Joint Resolution 5**, by Spear, 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 6**, by Black, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date.

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

**House File 89**, by Hermann, a bill for an act relating to the records of nonprofit corporations and associations licensed by the state racing commission.

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

**House File 90**, by Blanshan, a bill for an act relating to the furnishing of blank nomination papers by the state commissioner of elections and requiring the requester to provide certain information.

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

**House File 91**, by Pavich, a bill for an act directing the department of public safety to establish standards and curricula for the training of dogs used for law enforcement purposes.

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

**House File 92**, by De Groot, a bill for an act repealing the authority of the state department of transportation to collect delinquent property taxes owed by railway companies.

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

**House File 93**, by Peters, a bill for an act relating to the remittance of the local option tax to local governments.

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

**House File 94**, by Svoboda, a bill for an act prohibiting the operation of a snowmobile upon an abandoned railroad right-of-way except between sunset and sunrise and making penalties applicable.

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

**House File 95**, by Van Maanen, a bill for an act including within the definition of substance abuser a requirement for a showing of physical harm to self or others.

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

**House File 96**, by Metcalf, a bill for an act changing the number of signatures needed to require the board of directors of a school district to direct the county commissioner of elections to provide in the notice of regular election for the submission of propositions.

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

**House File 97**, by Gruhn and De Groot, a bill for an act relating to the striking of prohibitions restricting certain cities from joining a chapter 28F entity for the purpose of financing electric power facilities, preventing a municipal power agency from furnishing power to

a municipal utility not existing as of July 1, 1984, and preventing a city from joining a certain entity for financing electric power facilities without submission of the proposal to the voters.

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

**House File 98**, by Sherzan, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located.

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

**House File 99**, by Stromer, a bill for an act relating to mental health commitment proceedings.

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

**House File 100**, by Hatch, Connors, Bisignano and Shearer, a bill for an act relating to mobile home parks by requiring termination of tenancies only for good cause, providing for minimum standards, and delegating enforcement and regulatory authority.

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

**House File 101**, by Schnekloth, a bill for an act relating to the payment to the county and expenditures by the county of local sales and services tax revenues.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 39**, by committee on education, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax.

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

#### APPOINTMENTS BY THE SPEAKER

The Speaker announced the following appointments:

1989-90 Legislative Council  
(Section 2.41, Code of Iowa)

Representative Bob Arnould  
Representative Don Avenson  
Representative Florence Buhr

Representative Kay Chapman  
 Representative John Connors  
 Representative Bill Harbor  
 Representative Tom Jochum  
 Representative Mary Lundby  
 Representative Delwyn Stromer  
 Representative Harold Van Maanen

1989-90 Legislative Fiscal Committee  
 (Section 2.41, Code of Iowa)

Representative Tom Jochum  
 Representative Hugo Schneklath  
 Representative Tom Swartz  
 Representative David Tabor  
 Representative Harold Van Maanen

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
Glen D. Jesse .....	44

Respectfully submitted,  
 PATRICIA M. HARPER, Chair  
 RALPH ROSENBERG  
 KENNETH DE GROOT

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, January 17, 1989. Had I been present, I would have voted "aye" on amendment H-3007, and "nay" on amendment H-3037, both to House Resolution 2.

SIEGRIST of Pottawattamie

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF PERSONNEL

A report which summarizes the South Africa related investments held within the IPERS portfolio, as of December 31, 1988, pursuant to Chapter 12A.42(a), Code of Iowa.

## IOWA RAILWAY FINANCE AUTHORITY

The 1988 annual report, pursuant to Chapter 307B.8(6), Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 134 State Government**

Relating to business corporations by altering or removing certain filing requirements, fees, and penalties.

**H.S.B. 135 State Government**

Relating to certain fees required for certain filings with the secretary of state by limited partnerships.

**H.S.B. 136 State Government**

Relating to entry by a public agency with condemnation power onto private property for certain purposes related to that power.

**H.S.B. 137 State Government**

Relating to certain filings with the secretary of state by nonprofit corporations.

**H.S.B. 138 Energy and Environmental Protection**

Relating to the water protection fund established within the department of agriculture and land stewardship.

**H.S.B. 139 Energy and Environmental Protection**

Relating to extending the time period during which money from the agriculture management account may be used to fund certain demonstration projects, making appropriations from the agriculture management account to fund the projects, and providing an effective date.

**H.S.B. 140 Human Resources**

Relating to the collection of certain adoption information according to federal regulations.

**H.S.B. 141 Human Resources**

Relating to vital statistics by amending requirements for certain certificates and services provided by and certain fees and data collected and compiled by the Iowa department of public health and by exempting from sales tax certain services and certificates provided by the Iowa department of public health.

**H.S.B. 142 Human Resources**

Relating to the certificate of need program.

**H.S.B. 143 Human Resources**

Relating to emergency medical care providers, and providing penalties.

**H.S.B. 144 Human Resources**

Relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

**H.S.B. 145 Agriculture**

Authorizing the department of agriculture and land stewardship to establish dates for renewal of brands of record.

**H.S.B. 146 Agriculture**

Amending the pesticide Act of Iowa, by providing requirements for pesticide dealers and commercial applicators, providing registration requirements, and providing for fees and civil penalties.

**H.S.B. 147 Agriculture**

Relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties.

**H.S.B. 148 Agriculture**

Relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship.

**H.S.B. 149 Agriculture**

Providing for the confidentiality of records submitted to the agricultural diversification bureau of the department of agriculture and land stewardship for the purposes of assisting persons in business planning.

**H.S.B. 150 Agriculture**

Relating to administration and authority of the department of agriculture and land stewardship, by retitling administrative units, eliminating certain duties, and authorizing the department to engage in the sale, promotion, marketing, and exporting of certain agricultural products.

## SUBCOMMITTEE ASSIGNMENTS

**House File 39**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 41**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 50**

Judiciary and Law Enforcement: Jay, Chair; Harbor and Rosenberg.

**House File 53**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 57**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 58**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 62**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 63**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 64**

Local Government: Spear, Chair; Banks and Brown.

**House File 66**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 71**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

**House File 73**

Local Government: Haverland, Chair; Hatch and Hester.

**House File 81**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 82**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 83**

Judiciary and Law Enforcement: Jay, Chair; Harbor and Rosenberg.

## CERTIFICATES OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

- |        |   |
|--------|---|
| 1989-2 | Girls' Cross County Team, Maquoketa Valley High School — Recognition for winning the Class 1A title in the Iowa State Cross Country Meet.                         |
| 1989-3 | Historical Society of Pottawattamie County — Recognition for its 50th Anniversary "Back to Rail Celebration."   |
| 1989-4 | Ruth Scarpellino, Council Bluffs — Recognition for 65 years of volunteer service to Holy Family Church, and for civic and community activities in Council Bluffs. |
| 1989-5 | Carroll and Raymond Renaud, Altoona — Recognition for 50 years of marriage.   |

## RESOLUTION FILED

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

Laid over under **Rule 25**.

On motion by Arnould of Scott, the House adjourned at 9:41 a.m., until 9:00 a.m., Tuesday, January 24, 1989.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 24, 1989

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 23, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hanson of Delaware, from the Manchester Area Chamber of Commerce and the cities of Edgewood and Oneida favoring support of the CEBA program.

By Shoning of Woodbury, from eighty-five constituents of the third district favoring House File 87, a bill to repeal religious exemptions from child abuse and endangerment charges.

## PRESENTATION OF EASTER SEALS' 1989 STATE AMBASSADOR

Metcalf of Polk presented to the House Eric Runyan, Easter Seals' 1989 State Ambassador.

E.J., as he is affectionately called, is the son of Dennis and Suzan Runyan of Des Moines. He was born with spina bifida and is paralyzed from the waist down. E.J. likes to race his wheelchair and attended the National Junior Wheelchair Games in Johnston City, Tennessee last summer.

At Camp Sunnyside, E.J. shared his enthusiasm with many new friends and as 1989 Easter Seal Ambassador he will have many opportunities to impart that enthusiasm in the year ahead. His sentiments about the upcoming year might best be expressed by this thought shared with the House: "This year it's my Easter Seals."

The House rose and expressed its welcome.

## PRESENTATION OF IOWA'S PORK PRINCESS

Mertz of Kossuth presented to the House Carol Ann Mertz, Iowa's Pork Princess for 1988.

Carol Ann, who is the daughter of Representative Dolores Mertz, is from Ottosen, Iowa and is a junior at Briar Cliff College in Sioux City.

Carol Ann addressed the House briefly and the House rose and expressed its welcome.

### 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, 1989, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 38, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended.

JOHN F. DWYER, Secretary

### INTRODUCTION OF BILLS

**House File 102**, by Gruhn, a bill for an act requiring a simple majority vote of eligible electors for passage of a school bond issue.

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

**House File 103**, 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 104**, by Fogarty, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions by counties and cities.

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

**House File 105**, by Metcalf, a bill for an act relating to the definition of taxable wages for purposes of the unemployment compensation law.

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

**House File 106**, by Chapman, a bill for an act to authorize the payment of real property taxes on a monthly basis.

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

**House File 107**, by Chapman, a bill for an act relating to the statute of limitations for sexual abuse of a child or mentally ill person.

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

**House File 108**, by May, a bill for an act relating to the markup of the wholesale price for alcoholic liquor.

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

**House File 109**, by Connors, Hatch, Brammer, Lykam, Wise, Harper, Pavich, Teaford, Jochum, Hansen of Woodbury, Bisignano, Poncy and Renaud, a bill for an act relating to the scope of negotiations in public employment contract negotiations.

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

**House File 110**, by Harbor, Royer and Branstad, a bill for an act requiring the state department of transportation to implement a program to widen certain primary highways.

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

**House File 111**, by Fuller, a bill for an act providing a state sales tax exemption to all child foster care residential facilities.

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

**House File 112**, by Hansen of Woodbury, a bill for an act relating to the excise taxes on motor fuel, gasohol, and special fuel and providing applicability and effective dates.

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

#### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 19, 1989 and is on file in the office of the Chief Clerk:

January 17, 1989

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 7 claims of a general nature that were denied by the State Appeal Board on January 10, 1989. This supplements our filing of January 5, 1989.

Index attached shows 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

STATE APPEAL BOARD  
GENERAL CLAIMS DENIED  
(January 10, 1989)

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0117	Iowa State University Ames, Iowa (Outdated Invoice)	\$ 6,000.00	DENIED*
G88-0481	Jack Link Trucking Dyersville, Iowa (Fuel Tax Refund)	500.24	DENIED
G88-0772	St. Paul's Lutheran Church Postville, Iowa (Sales Tax Refund)	Undetermined	DENIED
G88-0811	Clay Trager Hampton, Iowa (License Fee Refund)	65.00	DENIED
G88-0815	Pauline Pfeifer Cedar Rapids, Iowa (ADC Reimbursement)	Undetermined	DENIED
G88-0826	Keith Muehlenthaler Slater, Iowa (License Fee Refund)	75.00	DENIED
G88-0858	Elwood Mayberry Pocahontas, Iowa (License Fee Refund)	8.75	DENIED

\* Was omitted from list of January 5, 1989.

COMMUNICATIONS RECEIVED

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

DEPARTMENT OF HUMAN SERVICES

The 1987 Annual Report, pursuant to Chapter 217.21, Code of Iowa.

DEPARTMENT OF REVENUE AND FINANCE

A report of an examination of capital gains data reported on 1987 returns as well as a review of the impact of the Long Term Capital Gains Tax Refund Program, pursuant to Chapter 233, 1987 Acts of the Seventy-second General Assembly.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 151 Human Resources**

Relating to the eligibility of certain individuals for medical assistance.

**H.S.B. 152 Human Resources**

Relating to court oversight of voluntary placements of handicapped children in foster care.

**H.S.B. 153 Natural Resources and Outdoor Recreation**

Relating to forest development, by establishing a forest renewal fund, developing programs relating to forest management and forest product promotion, and establishing fees.

**H.S.B. 154 Natural Resources and Outdoor Recreation**

Imposing a fee on the gross sales value of fur-bearing animals, hides, or skins taken in this state, and subjecting violators to an existing penalty.

**H.S.B. 155 Natural Resources and Outdoor Recreation**

Relating to the designation, inventory, sale, and protection of protected wetlands, and providing a civil penalty for violations.

**H.S.B. 156 Natural Resources and Outdoor Recreation**

Relating to the issuance and possession of commercial fishing operators' licenses.

**H.S.B. 157 Ways and Means**

Relating to the updating of the reference to the Internal Revenue Code and providing a retroactive applicability date.

**H.S.B. 158 Ways and Means**

Relating to state taxes and tax administration by increasing the threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresidents on incomes from agricultural products, amending the definition of a financial institution for franchise tax purposes, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions.

**H.S.B. 159 Ways and Means**

Relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty.

**H.S.B. 160 Natural Resources and Outdoor Recreation**

Relating to the treatment of refund deposits on beverage containers as abandoned deposits by requiring distributors to establish a separate fund to which the deposits are credited, to remit a certain amount from the fund and on hand as of June 30, 1989, and semiannually thereafter, to the treasurer of state as abandoned deposits, to file semiannual reports with the treasurer, and providing penalties.

**H.S.B. 161 Economic Development**

Relating to the purposes for which lottery revenues allocated to the community economic betterment account of the Iowa plan fund are appropriated.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 3**

State Government: Peterson of Carroll, Chair; Doderer and Hanson of Delaware.

**House Joint Resolution 4**

State Government: Peterson of Carroll, Chair; Doderer and Hanson of Delaware.

**House Joint Resolution 5**

State Government: Peterson of Carroll, Chair; Doderer and Hanson of Delaware.

**House File 46**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 47**

Transportation: Gruhn, Chair; Beaman and Brown.

**House File 60**

State Government: Peterson of Carroll, Chair; Hammond and Hanson of Delaware.

**House File 65**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House File 70**

Transportation: Jay, Chair; Harbor and Renaud.

**House File 74**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 79**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 80**

State Government: Pavich, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Renken and Teaford.

**House File 86**

Energy and Environmental Protection: Schrader, Chair; Bisignano and Lundby.

**House File 89**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House File 90**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 97**

Energy and Environmental Protection: Adams, Chair; Dvorsky and Trent.

**House File 108**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 121**

Natural Resources and Outdoor Recreation: May, Chair; Royer and Swartz.

**House Study Bill 122**

Natural Resources and Outdoor Recreation: Johnson, Chair; McKean and Osterberg.

**House Study Bill 123**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Swartz and Tyrrell.

**House Study Bill 126**

State Government: Beatty, Chair; Knapp, Poncy, Tyrrell and Van Maanen.

**House Study Bill 127**

Energy and Environmental Protection: Osterberg, Chair; May and McKean.

**House Study Bill 128**

Transportation: Koenigs, Chair; Branstad and Muhlbauer.

**House Study Bill 134**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House Study Bill 135**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House Study Bill 136**

State Government: Peterson of Carroll, Chair; Pavich and Renken.

**House Study Bill 137**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House Study Bill 138**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 139**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 145**

Agriculture: Fuller, Chair; Banks and Hibbard.

**House Study Bill 146**

Agriculture: Johnson, Chair; Eddie and Schrader.

**House Study Bill 147**

Agriculture: Mertz, Chair; Fogarty and Stueland.

**House Study Bill 148**

Agriculture: May, Chair; Bennett and Koenigs.

**House Study Bill 149**

Agriculture: Hibbard, Chair; Fuller and Pellett.

**House Study Bill 150**

Agriculture: Gruhn, Chair; Petersen of Muscatine 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 LABOR AND INDUSTRIAL RELATIONS

**House File 17**, a bill for an act relating to minimum wage requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3043** January 24, 1989.

## COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 47), to increase the fee for the wild-life habitat stamp.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 1989.

## RESOLUTIONS FILED

**HCR 3**, by Arnould and Stromer, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

**HCR 4**, by Fuller, a concurrent resolution relating to a biennial memorial session.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—3040	S.C.R.	1	Teaford of Black Hawk
H—3041	H.F.	88	Hanson of Delaware
H—3042	H.F.	88	Halvorson of Clayton
H—3043	H.F.	17	Committee on Labor and Industrial Relations

On motion by Arnould of Scott, the House adjourned at 9:22 a.m., until 9:00 a.m., Wednesday, January 25, 1989.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 25, 1989

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 Tuesday, January 24, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the morning session, on request of Renken of Grundy.

## 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 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 57, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House File 113**, by Spear, a bill for an act relating to additional retirement benefits for certain employees of the department of corrections whose job responsibilities bring them in direct contact with prisoners.

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

**House File 114**, by Halvorson of Clayton, a bill for an act relating to an owner's liability for the use of the owner's property by others for recreational activities.

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

**House File 115**, by Fuller, a bill for an act providing for an increase in jury fees.

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

**House File 116**, by McKean, a bill for an act providing for a percentage of lottery revenues to be appropriated for programs that benefit Iowa's elderly and developmentally disabled population.

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

**House File 117**, by Hester, 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 118**, by Metcalf, a bill for an act determining the duration of unemployment compensation benefits in relation to an employer going out of business.

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

**House File 119**, by Metcalf, a bill for an act relating to the definition of suitable work for purposes of qualifying for unemployment compensation benefits.

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

**House File 120**, by Connors, Holveck, Renaud, Buhr, Carpenter, Metcalf, Sherzan, Bisignano and Haverland, a bill for an act establishing the position of Iowa trade officer and making an appropriation to the department of economic development.

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

**House File 121**, by Peterson of Carroll, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date.

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

**House File 122**, by Gruhn, a bill for an act requiring riders of motorized bicycles to wear protective headgear and making a penalty applicable.

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

**House File 123**, by Bisignano, a bill for an act relating to the compensation of election boards.

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

**House File 124**, 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**.

#### SENATE MESSAGES CONSIDERED

**Senate File 38**, by committee on education, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended.

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

**Senate File 57**, by committee on natural resources, a bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

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

#### SPECIAL PRESENTATION

Daggett of Adams presented to the House Commissioner Esther Gonzalez-Arroyo Buckley, of Laredo, Texas. The Commissioner is a member of the United States Commission on Civil Rights and was accompanied by her husband, Elmer.

The House rose and expressed its welcome.

#### ADOPTION OF THE SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Harper of Black Hawk called up for consideration the supplemental report of the committee on mileage found on page 235 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

On motion by Arnould of Scott, the House was recessed at 9:25 a.m., until 11:45 a.m.

The House reconvened, Connors of Polk in the chair.

On motion by Arnould of Scott, the House was recessed at 11:50 a.m., until 4:00 p.m.

## AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Teaford of Black Hawk called up for consideration Senate Concurrent Resolution 1 as follows:

- 1 Senate Concurrent Resolution 1  
 2 By Committee On Rules And Administration  
 3 A Concurrent Resolution relating to distribution of  
 4 printed legislative materials.  
 5 *Be It Resolved By The Senate, The House Concurring,*  
 6 That the superintendent of printing be instructed to  
 7 mail to each county auditor in the state of Iowa who  
 8 has filed a written request with the secretary of the  
 9 senate and the chief clerk of the house, a form on  
 10 which the auditor shall designate one public library  
 11 in the auditor's county to receive one copy of the  
 12 daily proof senate and house journals, one copy of  
 13 each senate and house bill, one copy of each senate  
 14 and house reprinted bill, one copy of each senate and  
 15 house enrolled bill, and one copy of each senate and  
 16 house clip sheet, for the duration of the seventy-  
 17 third general assembly, and that the same be furnished  
 18 to such libraries free of charge, to be paid for out  
 19 of the general fund from funds not otherwise  
 20 appropriated.  
 21 *Be It Further Resolved,* That each public library  
 22 designated by the county auditor may elect to receive  
 23 daily all of the items enumerated above or only those  
 24 items designated by the library, and that no such  
 25 mailings will be made until a written request has been  
 26 filed.  
 27 *Be It Further Resolved,* That the superintendent of  
 28 printing be instructed to mail to each member of  
 29 Iowa's congressional delegation who has not waived the  
 30 right of receipt, one copy of the daily proof senate

## Page 2

- 1 and house journals, one copy of each senate and house  
 2 bill, one copy of each senate and house reprinted  
 3 bill, one copy of each senate and house enrolled-bill,  
 4 and one copy of each senate and house clip sheet, for  
 5 the duration of the seventy-third general assembly,  
 6 and that the same be furnished to such officers free  
 7 of charge, to be paid for out of the general fund from  
 8 funds not otherwise appropriated.  
 9 *Be It Further Resolved,* That the superintendent of  
 10 printing make such mailings at least once weekly.

Teaford of Black Hawk offered the following amendment H — 3040 filed by her:

H—3040

- 1 Amend Senate Concurrent Resolution 1 as amended,
- 2 passed and reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 9 through 11 and
- 4 inserting the following: "senate and the chief clerk
- 5 of the house, one copy of the".
- 6 2. Page 1, line 18, by striking the word "libraries"
- 7 and inserting the word "officers".
- 8 3. Page 1, lines 21 and 22 by striking the words
- 9 "public library designated by the".
- 10 4. Page 1, line 24, by striking the word "library"
- 11 and inserting the word "auditor".

On motion by Teaford of Black Hawk, amendment H — 3040 was adopted.

Teaford of Black Hawk moved the adoption of the resolution, as amended.

The motion prevailed and the resolution, as amended, was adopted.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 72**, a bill for an act relating to the notification of the city development board of public hearings for proposed urban revitalization plans, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 72)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Hibbard

Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Haverland            Petersen, D. F.

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

**House File 88**, a bill for an act providing for nonresident hunting licenses for deer and wild turkey, was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—3042.

Hanson of Delaware offered the following amendment H—3041 filed by him and moved its adoption:

H—3041

1 Amend House File 88 as follows:  
 2 1. Page 1, by inserting after line 21 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. **NEW SECTION. 110.25 USE OF**  
 5 **NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.**  
 6 The revenue received from the nonresident deer and  
 7 wild turkey hunting license fees provided for in  
 8 section 110.1, subsection 2, paragraphs "e" and "f",  
 9 shall be used to employ and maintain at least three  
 10 additional full-time conservation officers during the  
 11 first fiscal year during which the licenses are  
 12 issued. During each subsequent fiscal year, the  
 13 department shall employ an additional new full-time  
 14 conservation officer if sufficient revenues are  
 15 available from the fees. Any moneys remaining after  
 16 the employment of the additional full-time  
 17 conservation officers shall be used to pay overtime to  
 18 full-time conservation officers."

A non-record roll call was requested.

The ayes were 17, nays 47.

Amendment H—3041 lost.

Halvorson of Clayton offered the following amendment H—3042 (previously deferred), filed by him:

H—3042

1 Amend House File 88 as follows:

- 2 1. Page 1, line 14, by inserting after the word  
3 "procedures." the following: "The commission shall  
4 allocate the nonresident wild turkey hunting licenses  
5 issued equally among the zones open for hunting."  
6 2. Page 1, line 21, by inserting after the word  
7 "procedures." the following: "The commission shall  
8 allocate the nonresident deer hunting licenses issued  
9 equally among the zones open for hunting."

Halvorson of Clayton offered the following amendment H—3047, to amendment H—3042, filed by him from the floor and moved its adoption:

H—3047

1 Amend the amendment, H—3042, to House File 88 as  
2 follows:

- 3 1. Page 1, by striking lines 2 through 9 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 1, line 14, by inserting after the  
6 word "procedures." the following: "The commission  
7 shall allocate the nonresident wild turkey hunting  
8 licenses issued equally among the zones open for  
9 hunting."  
10 \_\_\_\_\_. Page 1, line 21, by inserting after the word  
11 "procedures." the following: "The commission shall  
12 allocate the nonresident deer hunting licenses issued  
13 equally among the zones open for hunting."  
14 \_\_\_\_\_. Page 1, by inserting after line 21 the  
15 following:  
16 "Sec. \_\_\_\_\_. **NEW SECTION. 110.25 USE OF**  
17 **NONRESIDENT DEER AND WILD TURKEY HUNTING LICENSE FEES.**  
18 The revenue received from the nonresident deer and  
19 wild turkey hunting license fees provided for in  
20 section 110.1, subsection 2, paragraphs "e" and "f",  
21 shall be used to reimburse farm operators for crop  
22 losses resulting from the deer and wild turkey  
23 population. The commission, by rule, shall establish  
24 a reimbursement program to pay a farm operator for  
25 losses incurred if more than fifty percent of a crop  
26 area is lost to deer and wild turkey foraging and

27 related causes. The rules shall provide reporting  
 28 procedures, crop valuation procedures, minimum crop  
 29 acreages, and other matters required by the  
 30 commission. Any remaining moneys shall be used in the  
 31 same manner as other funds credited to state fish and  
 32 game protection fund."  
 33 \_\_\_\_\_. By numbering sections as necessary."

Amendment H—3047 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3042.

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. 88)

The ayes were, 94:

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

The nays were, 4:

Halvorson, R. A.	Neuhauser	Royer	Siegrist
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Absent or not voting, 2:

Haverland	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.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**STATE BOARD OF REGENTS**

A report regarding the Iowa Super College Savings Plan, pursuant to Chapter 1261.3(4)(c), 1988 Acts of the Seventy-second General Assembly.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 162 Economic Development**

Relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date.

**H.S.B. 163 Local Government**

To repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies.

**H.S.B. 164 State Government**

Relating to the preservation of restoration work on the physical facilities of the capitol complex.

**H.S.B. 165 State Government**

Relating to insurance requirements for real estate licensees, and providing effective dates.

**H.S.B. 166 Labor and Industrial Relations**

Relating to the access of confidential information collected by the department of employment services.

**H.S.B. 167 Agriculture**

Relating to the regulation of oxygenate octane enhancers.

**SUBCOMMITTEE ASSIGNMENTS****House File 11**

Ways and Means: Doderer, Chair; Groninga and Metcalf.

**House File 16**

Ways and Means: Chapman, Chair; Bennett and Connolly.

**House File 40**

Ways and Means: Rosenberg, Chair; Petersen of Muscatine and Teaford.

**House File 55**

Ways and Means: Doderer, Chair; Metcalf and Teaford.

**House File 76**

Ways and Means: Osterberg, Chair; Fey and Hanson of Delaware.

**House File 78**

Ways and Means: May, Chair; Holveck and Renken.

**House File 93**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 101**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 102**

Education: Ollie, Chair; Daggett, Miller, Shoultz and Wise.

**House File 103**

Education: Shearer, Chair; Maulsby and Wise.

**House File 104**

Local Government: Fogarty, Chair; Black and Spenner.

**House File 123**

Local Government: Bisignano, Chair; Diemer and Fogarty.

**Senate File 39**

Education: Shoultz, Chair; Corbett and Shearer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 163**

Local Government: Fogarty, Chair; Brown 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 61), appropriating funds to the state

board of regents and the Iowa department of public health to support agricultural health and safety programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1989.

#### COMMITTEE ON EDUCATION

**Senate File 39**, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3044** January 24, 1989.

**Pursuant to Rule 31.7, Senate File 39 was referred to the committee on ways and means.**

**Committee Bill** (Formerly House Study Bill 25), relating to the election of the president of the state board of education.

Fiscal Note is not required.

Recommended **Do Pass** January 24, 1989.

#### AMENDMENT FILED

H—3044

S.F.

39

Committee on Education

On motion by Arnould of Scott, the House adjourned at 5:17 p.m., until 9:00 a.m., Thursday, January 26, 1989.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 26, 1989

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

Prayer was offered by Father Jerry Ryan, pastor of St. Anthony's Catholic Church, Des Moines.

The Journal of Wednesday, January 25, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Ollie of Clinton, from six hundred eighty-one constituents of the 38th District opposing diversion of money, originally earmarked for further development of the Green Island Project, to other uses.

## INTRODUCTION OF BILLS

**House File 125**, by Harbor, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date.

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

**House File 126**, by Metcalf, a bill for an act establishing a student loan assistance program for members of the Iowa national guard to be administered by the college aid commission and making a two-year appropriation.

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

**House File 127**, by Pavich, Renaud, Sherzan, Muhlbauer, Lundby, Bisignano, Jochum and Connolly, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable.

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

**House File 128**, 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 129**, by Shoning and Beaman, a bill for an act establishing a student loan assistance program for members of the Iowa national guard to be administered by the college aid commission and making an appropriation.

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

**House File 130**, by Connors, a bill for an act providing for the regulation of dogs and vicious dogs, and providing penalties and effective dates.

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

**House File 131**, by Renaud, a bill for an act relating to the number of hours of instruction in school per school day.

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

**House File 132**, by Hanson of Delaware, a bill for an act relating to the public employees' retirement system by permitting partial refunds of accumulated contributions to vested members who have retired from the system due to disability.

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

**House File 133**, by committee on education, a bill for an act relating to the election of the president of the state board of education.

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

**House File 134**, by De Groot, a bill for an act providing minimum qualifications for the office of county sheriff.

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

**House File 135**, by Hammond, 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 136**, by Corbett, 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 137**, by Osterberg, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans,

and prepaid group plans of health maintenance organizations by mandating inclusion of infertility treatment, including in vitro fertilization, coverage under certain conditions.

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

**House File 138**, by Pavich, a bill for an act relating to the filing of liens against property for nonpayment of water charges.

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

**House File 139**, by committee on agriculture, a bill for an act appropriating funds to the state board of regents and the Iowa department of public health to support agricultural health and safety programs.

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

**House File 140**, by committee on economic development, a bill for an act relating to the linked deposit program and providing an effective date.

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

#### PRESENTATION OF 1988 MRS. IOWA

Schrader of Marion presented to the House Valerie Van Wyk, 1988 Mrs. Iowa.

Mrs. Van Wyk, who represented Iowa in the Mrs. America Contest in Hawaii, was accompanied by her husband, Ervin, and sons, Benjamin and Zachary.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:25 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### INTRODUCTION OF BILL

**House File 141**, by committee on natural resources and outdoor recreation, a bill for an act relating to the approval of the natural resource commission of county conservation board acquisitions or developments.

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 January 26, 1989, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 56, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons.

Also: That the Senate has on January 24, 1989, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 59, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide 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:

### DEPARTMENT OF TRANSPORTATION

The 1988 Report on the State Aircraft Pool, pursuant to Chapter 328.56(5), Code of Iowa.

### IOWA COLLEGE AID COMMISSION

The Annual Report for 1988, pursuant to Chapter 17.4(7), Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 168 Labor and Industrial Relations**

Relating to certain controlling terms of collective bargaining agreements.

### **H.S.B. 169 Human Resources**

Relating to the certificate of need program.

### **H.S.B. 170 Human Resources**

Relating to child support awards by establishing an advisory committee and requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date.

### **H.S.B. 171 Human Resources**

Relating to the continued existence of the health data commission.

**H.S.B. 172 Human Resources**

Relating to the eligibility of certain medical assistance recipients.

**H.S.B. 173 State Government**

Relating to coupons or rebates as incentives to purchase wine.

**H.S.B. 174 State Government**

Relating to the allocation of responsibilities in the conduct of administrative hearings and appeals in connection with certain professional and occupational licensing matters and the administration of the department of revenue and finance and the department of commerce, providing additional responsibilities of the appeals and fair hearings division of the department of inspections and appeals, and providing properly related matters.

**H.S.B. 175 State Government**

Relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 6**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Black and Diemer.

**House File 27**

Small Business and Commerce: Holveck, Chair; Garman and Shultz.

**House File 75**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Swartz and Tyrrell.

**House File 77**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 84**

Natural Resources and Outdoor Recreation: Schrader, Chair; Gruhn and Royer.

**House File 87**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 94**

Transportation: Black, Chair; Cohoon and Pellett.

**House File 98**

Small Business and Commerce: Groninga, Chair; Hansen of Woodbury and Renken.

**House File 99**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House File 110**

Transportation: Cohoon, Chair; Fey and Royer.

**House File 113**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 117**

State Government: Beatty, Chair; Knapp, Poncy, Tyrrell and Van Maanen.

**House File 121**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Tyrrell.

**House File 126**

Education: Adams, Chair; Brand and Daggett.

**House File 127**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House File 129**

Education: Adams, Chair; Brand and Daggett.

**House File 131**

Education: Brand, Chair; Beaman and Cohoon.

**House File 132**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**Senate File 38**

Education: Wise, Chair; Harper and Siegrist.

**Senate File 39**

Ways and Means: Wise, Chair; Daggett and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 13**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 83**

Small Business and Commerce: Holveck, Chair; Chapman and Kremer.

**House Study Bill 133**

Small Business and Commerce: Hibbard, Chair; Chapman, Dvorsky, Halvorson of Clayton and Schnekloth.

**House Study Bill 140**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 141**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 142**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 143**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 144**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 153**

Natural Resources and Outdoor Recreation: Johnson, Chair; McKean and Osterberg.

**House Study Bill 154**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Gruhn and Maulsby.

**House Study Bill 155**

Natural Resources and Outdoor Recreation: Osterberg, Chair; Johnson and McKean.

**House Study Bill 156**

Natural Resources and Outdoor Recreation: Stueland, Chair; Schrader and Tabor.

**House Study Bill 157**

Ways and Means: Tabor, Chair; Schnekloth and Teaford.

**House Study Bill 158**

Ways and Means: Brand, Chair; Chapman, Daggett, De Groot and May.

**House Study Bill 159**

Ways and Means: Rosenberg, Chair; Brand, Daggett, De Groot and May.

**House Study Bill 164**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 165**

State Government: Peterson of Carroll, Chair; Halvorson of Webster and Hanson of Delaware.

**House Study Bill 166**

Labor and Industrial Relations: Harper, Chair; Lykam and Miller.

**House Study Bill 167**

Agriculture: Fogarty, Chair; De Groot and Schrader.

**House Study Bill 168**

Labor and Industrial Relations: Lykam, Chair; Halvorson of Webster and Kistler.

**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 125), relating to the continuation of the linked deposit program by striking the prospective repeal of the program and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 25, 1989.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 69**, a bill for an act relating to the dissolution of the Eldora Cemetery Society, Incorporated and the disposition of its property, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1989.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**Committee Bill** (Formerly House Study Bill 50), relating to the approval of the natural resource commission of county conservation board acquisitions or developments.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1989.

**RESOLUTION FILED**

**HCR 5**, by Harbor, Pavich, Halvorson of Clayton, Tabor, Royer, Connors, Adams, Schnekloth, Miller, Garman, Kremer, McKinney, Lundby, Muhlbauer, Renken, Schrader, Koenigs, Fogarty, Stromer,

Petersen of Muscatine, Stueland, Branstad, Van Maanen, Daggett, Maulsby, McKean, Shoning, Tyrrell, Spenner, Bennett, Trent, Eddie, Banks, Pellett, Hester, May, Shearer, Gruhn and Osterberg, a concurrent resolution relating to the federal feed grain buy-down program.

Laid over under **Rule 25.**

#### AMENDMENTS FILED

H—3048	H.F.	17	Hermann of Scott
H—3049	H.F.	17	Lundby of Linn
H—3050	H.F.	17	Lundby of Linn
H—3051	H.F.	17	Sherzan of Polk
H—3052	H.F.	17	Halvorson of Clayton
H—3053	H.F.	17	Halvorson of Clayton
H—3054	H.F.	17	Halvorson of Clayton
			Harbor of Mills
H—3055	H.F.	17	Harbor of Mills
H—3056	H.F.	17	Harbor of Mills
H—3057	H.F.	17	Stromer of Hancock
H—3058	H.F.	17	Tyrrell of Iowa
H—3059	H.F.	17	Harbor of Mills
H—3060	H.F.	17	Harbor of Mills
H—3061	H.F.	17	Harbor of Mills
H—3062	H.F.	17	Harbor of Mills
H—3063	H.F.	17	Harbor of Mills
H—3064	H.F.	17	Corbett of Linn
H—3065	H.F.	17	Harbor of Mills
H—3066	H.F.	17	Harbor of Mills
H—3067	H.F.	17	Corbett of Linn
H—3068	H.F.	17	Harbor of Mills

On motion by Arnould of Scott, the House adjourned at 3:26 p.m., until 10:00 a.m., Monday, January 30, 1989.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day — Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 30, 1989

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

Prayer was offered by the Honorable Bill Trent, state representative from Muscatine County.

The Journal of Thursday, January 26, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Pavich of Pottawattamie from one hundred thirty employees at the Iowa School For The Deaf to reaffirm their support for Dr. William P. Johnson.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison, on request of Arnould of Scott; Tyrrell of Iowa, until his arrival, on request of Kremer of Buchanan; Muhlbauer of Crawford, on request of Wise of Lee; Lageschulte of Bremer, for January 30 and 31, on request of Pellett of Cass; Peterson of Carroll, until his arrival, on request of Siegrist of Pottawattamie and Shearer of Louisa, until his arrival, on request of Lykam of Scott.

## INTRODUCTION OF BILLS

**House File 142**, by Hatch, a bill for an act relating to special health and accident insurance coverages, including individual and group accident and sickness insurance, nonprofit medical service corporation or hospital service corporation contracts, or health maintenance organization contracts, by prohibiting denial of insurance or other third-party payor contract or policy based upon an applicant's receipt of psychological counseling.

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

**House File 143**, by De Groot, a bill for an act relating to payments for planting permanent vegetation on land subject to the federal conservation reserve program.

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

**House File 144**, by Jochum, Hatch, Tabor, Connolly, Halvorson of Webster and Knapp, a bill for an act related to elected public officials, by expressly permitting the voluntary refusal of payments of compensation or the voluntary donation of such payments to a charity or governmental treasury.

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

**House File 145**, by Tyrrell and Shoning, a bill for an act relating to the college aid commission including making appropriations and combining certain scholarship and grant programs.

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

**House File 146**, by Poncy and Beaman, a bill for an act relating to the county commission of veteran affairs.

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

**House File 147**, by Peters, Black, Schrader, Eddie and Royer, 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**.

**House File 148**, by Hatch, a bill for an act relating to fire safety standards for subsidized rental housing, and subjecting violators to penalties.

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

**House File 149**, by Beatty, a bill for an act relating to the time of collection of the fee for a marriage license by the clerk of the district court.

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

**House File 150**, by Pavich and Renaud, a bill for an act relating to classification of alcoholic beverages by percentage weight of alcohol and manner of production.

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

**House File 151**, by Rosenberg and Hammond, a bill for an act to provide for the enactment of county zoning ordinances, and providing an effective date.

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

**House File 152**, by Spear, a bill for an act making changes in the statutes relating to marriage.

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

**House File 153**, by Shoning and Harbor, a bill for an act relating to and making appropriations to the department of public defense.

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

**House File 154**, by Svoboda, a bill for an act relating to the length of occupancy of the homestead for purposes of the homestead credit and providing an effective date.

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

**House File 155**, by Shoning, a bill for an act relating to and making appropriations to the department of public safety.

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

**House File 156**, by Sherzan, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

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

**House File 157**, by committee on education, a bill for an act permitting instruction in American sign language as a foreign language and its use as a medium of instruction in both public and nonpublic schools.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 56**, by committee on human resources, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing.

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

**Senate File 59**, by committee on education, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date.

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

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 17**, a bill for an act relating to minimum wage requirements, with report of committee recommending amendment and passage was taken up for consideration.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 17 at 11:06 a.m., Speaker Avenson in the chair.

(House File 17 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:07 a.m., until 4:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**CONSIDERATION OF BILLS**  
Regular Calendar

The House resumed consideration of **House File 17**, a bill for an act relating to minimum wage requirements, pending at recess.

Sherzan of Polk asked and received unanimous consent to defer action on the committee amendment H-3043.

Sherzan of Polk offered the following amendment H-3051 filed by him:

H-3051

- 1 Amend House File 17 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "annually".
- 4 2. Page 1, by striking line 5 and inserting the
- 5 following: "to \$3.85 on January 1 of 1990, \$4.40 on
- 6 January 1 of 1991, and \$5.00 on January 1 of 1992."
- 7 3. Page 1, line 6, by inserting after the word
- 8 "employer" the following: ", as defined in the
- 9 federal Fair Labor Standards Act,".
- 10 4. Page 1, line 7, by inserting after the word
- 11 "employees" the following: ", as defined in the
- 12 federal Fair Labor Standards Act,".
- 13 5. Page 1, by striking lines 21 through 34 and
- 14 inserting the following:
- 15 "2. The exemptions from the minimum wage
- 16 requirements stated in 29 U.S.C. § 213 shall apply.

17 except for those exemptions in 29 U.S.C. § 213(a)(2),  
 18 (3), and (4).  
 19 3. The labor commissioner shall adopt rules to  
 20 implement and administer this section.  
 21 4. This section shall be enforced pursuant to  
 22 chapter 91A.”

The House stood at ease at 4:25 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3051 at 5:18 p.m., Speaker Avenson in the chair.

Division of amendment H—3051 was requested as follows:

H—3051A — lines 2 through 12 and lines 21 and 22.  
 H—3051B — lines 13 through 20.

Harbor of Mills asked and received unanimous consent to defer action on amendment H—3069, to amendment H—3051A.

Trent of Muscatine asked and received unanimous consent to defer action on amendment H—3071, to amendment H—3051A.

Hermann of Scott offered the following amendment H—3073, to amendment H—3051A, filed by him from the floor:

H—3073

1 Amend amendment, H—3051, to House File 17 as  
 2 follows:  
 3 1. Page 1, by striking lines 5 and 6, and  
 4 inserting the following: “following: “to \$3.45 on  
 5 January 1 of 1990, \$3.60 on January 1 of 1991, and  
 6 \$3.80 on January 1 of 1992.””

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, for the remainder of the day, on request of Hester of Pottawattamie.

Hermann of Scott moved the adoption of amendment H—3073, to amendment H—3051A.

Roll call was requested by Poncy of Wapello and Arnould of Scott.

On the question “Shall amendment H—3073, to amendment H—3051A, be adopted?” (H.F. 17)

The ayes were, 35:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett

De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Kistler	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Van Maanen	

The nays were, 59:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 6:

Hibbard	Lageschulte	Muhlbauer	Peterson, M. K.
Plasier	Tyrrell		

Amendment H—3073 lost.

Harbor of Mills asked and received unanimous consent to defer action on amendment H—3069, to amendment H—3051A.

Trent of Muscatine offered amendment H—3071, (previously deferred), to amendment H—3051A, filed from the floor by Trent, Corbett, Plasier, Hester, Siegrist, Beaman, Lundby, Kistler, Banks, Pellett, Halvorson of Clayton, Harbor, Eddie, Hanson of Delaware, Hermann, Petersen of Muscatine and McKean. Division was requested as follows:

H—3071

- 1 Amend the amendment, H—3051, to House File 17 as
- 2 follows:

H—3071A

- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "following: "to \$3.55 on
- 5 January 1, 1990, \$3.75 on January 1, 1991, and \$4.00
- 6 on January 1, 1992.""

H-3071B

- 7 2. Page 1, by inserting after line 22 the  
8 following:  
9 "\_\_\_\_\_. Page 1, by inserting after line 34 the  
10 following:  
11 "Sec. 100. NEW SECTION. 422.12B EARNED INCOME  
12 CREDIT.  
13 1. For a taxpayer whose income does not exceed  
14 thirteen thousand five hundred dollars, the taxes  
15 imposed under this division, less credits allowed  
16 under sections 422.10 through 422.12 shall be reduced  
17 by an earned income credit equal to the applicable  
18 percentage of the federal earned income credit  
19 received by the taxpayer under section 32 of the  
20 Internal Revenue Code. Any credit in excess of the  
21 tax liability shall be refunded.  
22 The combined earned income of married taxpayers  
23 electing to file separate returns or filing separately  
24 on a combined return may qualify for the earned income  
25 credit by allocating the earned income credit to each  
26 spouse in the proportion that each spouse's respective  
27 earned income bears to the total combined earned  
28 income. Taxpayers affected by the allocation  
29 provisions of section 422.8 shall be permitted a  
30 deduction for the credit only in the amount fairly and  
31 equitably allocable to Iowa under rules prescribed by  
32 the director.  
33 2. "Applicable percentage" means the percent  
34 determined as follows:  
35 a. If the taxpayer has income equal to or less  
36 than nine thousand eight hundred fifty dollars, the  
37 percent is as follows:  
38 (1) Twenty percent, if one qualifying child.  
39 (2) Forty percent, if two qualifying children.  
40 (3) Sixty percent, if three qualifying children.  
41 b. If the taxpayer has income in excess of nine  
42 thousand eight hundred fifty dollars, the percent is  
43 as follows:  
44 (1) Twelve percent, if one qualifying child.  
45 (2) Twenty-four percent, if two qualifying  
46 children.  
47 (3) Forty-eight percent, if three qualifying  
48 children.  
49 "Qualifying child" means as defined in section  
50 32(c)(3) of the Internal Revenue Code.

**Page 2**

- 1 Sec. \_\_\_\_\_. Section 422.21, unnumbered paragraph 5,  
2 Code 1989, is amended to read as follows:  
3 The department shall provide on income tax forms or  
4 in the instruction booklets in a manner that will be

H—3071B

5 noticeable to the taxpayers a statement that, even  
 6 though the taxpayer may not have any federal or state  
 7 income tax liability, the taxpayer may be eligible for  
 8 the state and federal earned income tax credit. The  
 9 statement shall also contain notice of where the  
 10 taxpayer may check on the taxpayer's eligibility for  
 11 this credit these credits.

12 Sec. \_\_\_\_\_. Section 442.15, unnumbered paragraph 2,  
 13 Code 1989, is amended to read as follows:

14 The school district income surtax ~~shall be is~~  
 15 imposed on the state individual income tax for the  
 16 calendar year during which the school's budget year  
 17 begins, or for a taxpayer's fiscal year ending during  
 18 the second half of that calendar year or the first  
 19 half of the succeeding calendar year, and ~~shall be is~~  
 20 imposed on all individuals residing in the school  
 21 district on the last day of the applicable tax year.  
 22 As used in this section, "state individual income tax"  
 23 means the tax computed under section 422.5, less the  
 24 deductions allowed in sections 422.10, ~~422.11~~ and  
 25 through 422.12, and 422.12B.

26 Sec. \_\_\_\_\_. Notwithstanding section 96.7, subsection  
 27 12, paragraph "c", there is appropriated from the  
 28 administrative contribution surcharge fund to the  
 29 general fund of the state for the fiscal year  
 30 beginning July 1, 1989, and ending June 30, 1990, the  
 31 sum of four million dollars to offset the cost of the  
 32 new state earned income credit provided for in this  
 33 Act.

34 Sec. \_\_\_\_\_. Section 100 of this Act applies  
 35 retroactively to January 1, 1989, for tax years  
 36 beginning on or after that date." "

37 3. Title page, line 1, by inserting after the  
 38 word "requirements" the following: ", providing a tax  
 39 credit, and making an appropriation, and providing for  
 40 an applicability date."

Arnould of Scott asked and received unanimous consent that House File 17 be deferred and that the bill retain its place on the calendar.

(Amendment H—3071A, to amendment H—3051A, pending.)

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF HUMAN SERVICES

The 1987 Annual Report, pursuant to Chapter 217.21, Code of Iowa.

## OFFICE OF THE GOVERNOR

The Report of Pardons, Suspensions, Commutations and Remissions of Fines for the years 1987 through 1988, pursuant to Article IV, Section 16, Constitution of the State of Iowa.

## PRESENTATION OF VISITOR

May of Worth presented to the House the Honorable Delbert W. Floy, former state senator from Cerro Gordo County.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 176 Natural Resources and Outdoor Recreation**

Relating to the regulation of outdoor firearm shooting ranges, and providing a penalty for violations.

**H.S.B. 177 Natural Resources and Outdoor Recreation**

Relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

**H.S.B. 178 Small Business and Commerce**

Relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies.

**H.S.B. 179 Economic Development**

Relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs.

**H.S.B. 180 Human Resources**

Relating to involuntary hospitalization procedures applicable to the mentally ill and substance abusers.

**H.S.B. 181 Energy and Environmental Protection**

Relating to solid waste disposal and providing penalties.

**H.S.B. 182 Energy and Environmental Protection**

Relating to waste reduction and recycling by providing for the study of the state's waste stream and development of specific strategies to deal with identified components of the waste stream, creating a waste reduction and recycling trust fund, providing for the imposition of certain fees, and requiring periodic review of the fees imposed.

**H.S.B. 183 Energy and Environmental Protection**

Relating to solid waste management by providing for the submission

of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 100**

Local Government: Hatch, Chair; Black, Connors, Renken and Royer.

**House File 130**

Local Government: Connors, Chair; Hester and Peters.

**House File 134**

Local Government: Black, Chair; Eddie and Mertz.

**House File 138**

Local Government: Shearer, Chair; Banks and Spear.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 3**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 5**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 6**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 7**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 8**

Judiciary and Law Enforcement: Hibbard, Chair; Plasier and Shoning.

**House Study Bill 9**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House Study Bill 10**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

**House Study Bill 11**

Judiciary and Law Enforcement: Renaud, Chair; Kremer and Poncy.

**House Study Bill 12**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

**House Study Bill 14**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

**House Study Bill 23**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House Study Bill 64**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House Study Bill 65**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Sherzan and Shoning.

**House Study Bill 66**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House Study Bill 67**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

**House Study Bill 68**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

**House Study Bill 69**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 70**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 71**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House Study Bill 72**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 73**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 74**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House Study Bill 75**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

**House Study Bill 76**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House Study Bill 77**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 78**

Judiciary and Law Enforcement: Beatty, Chair; Chapman and Trent.

**House Study Bill 79**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**House Study Bill 80**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**House Study Bill 129**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poney.

**House Study Bill 130**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House Study Bill 178**

Small Business and Commerce: Jesse, Chair; Blanshan and Trent.

**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**

**Committee Bill** (Formerly House Study Bill 2), permitting instruction in American sign language as a foreign language and its use as a medium of instruction in both public and nonpublic schools.

Fiscal Note is not required.

Recommended **Do Pass** January 26, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 9**, a bill for an act relating to the imposition of judgment, upon which execution will lie, against a criminal offender on probation who fails to comply with a court-ordered plan of restitution.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1989.

**COMMITTEE ON TRANSPORTATION**

**Committee Bill** (Formerly House Study Bill 117), relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 26, 1989.

## COMMITTEE ON WAYS AND MEANS

**Senate File 39**, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax.

Fiscal Note is not required.

Recommended **Do Pass with committee on education amendment H-3044** January 30, 1989.

## AMENDMENTS FILED

H-3069	H.F.	17	Harbor of Mills Halvorson of Clayton
H-3070	H.F.	141	Swartz of Marshall Fogarty of Palo Alto
H-3072	H.F.	17	Jay of Appanoose
H-3074	S.F.	39	De Groot of Lyon
H-3075	H.F.	17	Harbor of Mills Halvorson of Clayton
H-3076	H.F.	17	Bennett of Ida

On motion by Arnould of Scott, the House adjourned at 6:18 p.m., until 9:00 a.m., Tuesday, January 31, 1989.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 31, 1989

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

Prayer was offered by Jo Ann West, House Secretary to Representative Mike Connolly.

The Journal of Monday, January 30, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 158**, by Wise and Ollie, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports and including an applicability provision.

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

**House File 159**, by Metcalf, a bill for an act establishing a one-week waiting period prior to the receipt of unemployment compensation benefits.

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

**House File 160**, by Metcalf, a bill for an act relating to the determination of maximum unemployment compensation benefits.

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

**House File 161**, by Garman, a bill for an act relating to prohibiting the rental of hard core pornographic material and providing a penalty.

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

**House File 162**, by Garman, a bill for an act making mere possession of certain material depicting or simulating a child engaged in a prohibited sexual act a serious misdemeanor and making a penalty applicable.

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

**House File 163**, by committee on transportation, a bill for an act relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation.

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

#### SPONSOR ADDED

(Amendment H—3071 to House File 17)

Tyrrell of Iowa requested to be added as a sponsor of amendment H—3071 to House File 17.

On motion by Arnould of Scott, the House was recessed at 9:17 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### INTRODUCTION OF BILLS

**House File 164**, by Jochum, Fey, Bisignano, Haverland, Neuhauser, Peterson of Carroll, Peters, Pavich, Connors, Groninga, Svoboda, Rosenberg, Clark, Connolly, Buhr, Chapman, Branstad, Hatch, Johnson, Brown, Hammond, Doderer, Harper, Teaford, Fuller, Sherzan, Tabor, Brammer, Osterberg, Arnould and Dvorsky, a bill for an act relating to the establishment of a health care insurance plan and a health care insurance pool, requiring employers participating in state grant programs to provide subsidized health care, and providing an effective date.

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

**House File 165**, by committee on natural resources and outdoor recreation, a bill for an act relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees.

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

**House File 166**, by committee on natural resources and outdoor recreation, a bill for an act relating to the authority of county conservation boards, by authorizing the charging of certain county park fees and by prohibiting the exclusive use of county parks by one or more organizations.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll, for the remainder of the day, on request of Siegrist of Pot-tawattamie.

### CONSIDERATION OF BILLS

#### Regular Calendar

The House resumed consideration of **House File 17**, a bill for an act relating to minimum wage requirements, and amendment H—3071A (found on pages 274 through 276 of the House Journal), to amendment H—3051A, (found on pages 272 and 273 of the House Journal).

Trent of Muscatine moved the adoption of amendment H—3071A, to amendment H—3051A.

Roll call was requested by Stromer of Hancock and Arnould of Scott.

On the question "Shall amendment H—3071A be adopted?"  
(H.F. 17)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Schneklloth	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Osterberg	Pavich	Peters

Poney	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Svoboda	Swartz
Teaford	Mr. Speaker		
	Avenson		

Absent or not voting, 8:

Hibbard	Lageschulte	Ollie	Peterson, M. K.
Royer	Shoultz	Tabor	Wise

Amendment H—3071A lost.

Harbor of Mills offered the following amendment H—3069, (previously deferred), to amendment H—3051A, filed by him and Halvorson of Clayton and moved its adoption:

H—3069

- 1 Amend the amendment, H—3051, to House File 17, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6 and insert-
- 4 ing the following: "following: "to \$3.55 on July 1,
- 5 1989, \$3.75 on July 1, 1990, and \$4.00 on July 1,
- 6 1991." "

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

On the question "Shall amendment H—3069 be adopted?"  
(H.F. 17)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	Wise

The nays were, 55:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney

Mertz	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Svoboda	Swartz
Tabor	Teaford	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Beatty	Hibbard	Lageschulte	Ollie
Peterson, M. K.			

Amendment H—3069 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Beatty of Warren, until her return, on request of Brown of Lucas.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3051A to House File 17 at 5:18 p.m., Speaker Avenson in the chair.

On motion by Sherzan of Polk, amendment H—3051A was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3067 filed by him on January 26, 1989.

The House resumed consideration of amendment H—3071B.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—3071B.

The following amendments were withdrawn by unanimous consent:

H—3053 filed by Halvorson of Clayton on January 26, 1989.

H—3057 filed by Stromer of Hancock on January 26, 1989.

H—3058 filed by Tyrrell of Iowa on January 26, 1989.

H—3061 filed by Harbor of Mills on January 26, 1989.

H—3062 filed by Harbor of Mills on January 26, 1989.

H—3063 filed by Harbor of Mills on January 26, 1989.

H—3065 filed by Harbor of Mills on January 26, 1989.

H—3066 filed by Harbor of Mills on January 26, 1989.

H—3068 filed by Harbor of Mills on January 26, 1989.

H—3059 filed by Harbor of Mills on January 26, 1989.

H—3050 filed by Lundby of Linn on January 26, 1989.

The House resumed consideration of amendment H—3051B (found on pages 272 and 273 of the House Journal).

Bennett of Ida offered the following amendment H—3076, to amendment H—3051B, filed by him and moved its adoption:

H—3076

- 1 Amend the amendment, H—3051, to House File 17 as
- 2 follows:
- 3 1. Page 1, by striking lines 17 and 18, and
- 4 inserting the following: "except for those exemptions
- 5 in 29 U.S.C. §213(a)(2) and (4)."

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

On the question "Shall amendment H—3076 be adopted?"  
(H.F. 17)

The ayes were, 40:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 4:

Hatch	Hibbard	Lageschulte	Peterson, M. K.
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Amendment H—3076 lost.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—3075 filed by him and Halvorson of Clayton on January 30, 1989.

Harbor of Mills offered the following amendment H—3078, to amendment H—3051B, filed by him and Halvorson of Clayton from the floor:

H—3078

1 Amend the amendment, H—3051, to House File 17 as  
2 follows:

3 1. Page 1, by striking lines 13 through 20 and  
4 inserting the following:

5 "\_\_\_\_\_. Page 1, line 23, by inserting after the  
6 figure "213" the following: "for paragraphs "a"  
7 through "d" ".  
8 \_\_\_\_\_.

9 Page 1, by inserting after line 34 the  
10 following:

11 "e. Trainees and apprentices. The department of  
12 employment services shall adopt rules to define  
13 trainees and apprentices and to administer this  
14 section.

15 3. For purposes of this section there is estab-  
16 lished a "training wage" for first time, new entrants  
17 into the job market which shall be the equivalent of  
18 seventy-five percent of the state minimum wage or  
19 \$3.35 per hour, whichever is higher, for a maximum  
20 period of one hundred twenty days from the date of  
21 first employment with the first time, new entrant's  
first employer." "

Bisignano of Polk in the chair at 5:53 p.m.

Harbor of Mills moved the adoption of amendment H—3078, to amendment H—3051B.

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

On the question "Shall amendment H—3078 be adopted?"  
(H.F. 17)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf

Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Bisignano Presiding			

Absent or not voting, 4:

Hibbard	Knapp	Lageschulte	Peterson, M. K.
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Amendment H—3078 lost.

On motion by Sherzan of Polk, amendment H—3051B was adopted.

Speaker Avenson in the chair at 6:12 p.m.

The following amendments were withdrawn by unanimous consent:

H—3049 filed by Lundby of Linn on January 26, 1989.

H—3052 filed by Halvorson of Clayton on January 26, 1989.

H—3072 filed by Jay of Appanoose on January 30, 1989.

H—3054 filed by Halvorson of Clayton and Harbor of Mills on January 26, 1989.

H—3055 filed by Harbor of Mills on January 26, 1989.

H—3060 filed by Harbor of Mills on January 26, 1989.

H—3064 filed by Corbett of Linn on January 26, 1989.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3043 (previously deferred) filed by the committee on labor and industrial relations on January 24, 1989, placing out of order the following amendments, to the committee amendment H—3043:

H—3048 filed by Hermann of Scott on January 26, 1989.

H—3056 filed by Harbor of Mills on January 26, 1989.

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. 17)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

Absent or not voting, 3:

Hibbard	Lageschulte	Peterson, M. K.
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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 17)

Arnould of Scott asked and received unanimous consent to immediately message House File 17 to the Senate.

**SPONSOR ADDED**  
**(House File 54)**

Halvorson of Webster requested to be added as a sponsor of House File 54.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 184 Human Resources**

Relating to foster care by establishing certain provisions regarding voluntary foster care placements.

**H.S.B. 185 Natural Resources and Outdoor Recreation**

Relating to the Iowa conservation corps program.

**H.S.B. 186 Economic Development**

Relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs.

**H.S.B. 187 Energy and Environmental Protection**

Relating to the amount of reimbursement for the return of empty beverage containers by a dealer, a dealer agent, or a redemption center.

**H.S.B. 188 Transportation**

Allowing a podiatrist to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

**H.S.B. 189 Transportation**

Relating to recordkeeping, reporting, and delinquent registration penalties for motor vehicle registrations and certificates of title and providing an effective date.

**H.S.B. 190 Transportation**

Relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

**H.S.B. 191 Transportation**

Relating to the rate filing requirements of common carriers.

**H.S.B. 192 Transportation**

Relating to the implementation of a state transit fund distribution formula recommended by the public transit assistance distribution study steering committee.

**H.S.B. 193 Labor and Industrial Relations**

Relating to workers' compensation coverage for participants in work and training programs and unemployed parent-community work experience programs.

**H.S.B. 194 Energy and Environmental Protection**

Relating to petroleum underground storage tanks, by establishing certain charges, authorizing revenue bond issues to finance remedial actions, tank improvements, and an insurance program to permit owners and operators to comply with federal regulations mandating physical tank and monitoring standards and the maintenance of proof of financial responsibility, such as insurance, providing certain penalties, certain future automatic repeal dates, and effective dates.

**H.S.B. 195 Human Resources**

Relating to the dispensing of prescription drugs under group health insurance policies and group health maintenance organization plans.

**H.S.B. 196 State Government**

Relating to encouragement of participation in political activities as a professional practices criterion of the professional teaching practices commission.

**SUBCOMMITTEE ASSIGNMENTS****House File 143**

Agriculture: Johnson, Chair; Eddie and Schrader.

**House File 144**

State Government: Pavich, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Renken and Teaford.

**House File 145**

Education: Wise, Chair; Cohoon and Tabor.

**House File 148**

State Government: Blanshan, Chair; Buhr, Carpenter, Peterson of Carroll and Shoning.

**House File 150**

State Government: Peterson of Carroll, Chair; Carpenter, Hammond, Renaud and Shoning.

**House File 158**

Education: Wise, Chair; Harper and Siegrist.

**Senate File 57**

Natural Resources and Outdoor Recreation: Tyrrell, Chair; Johnson and Osterberg.

**Senate File 59**

Education: Ollie, Chair; Daggett, Miller, Shultz and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 151**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 152**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 173**

State Government: Hammond, Chair; Carpenter, Peterson of Carroll, Renaud and Shoning.

**House Study Bill 174**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 175**

State Government: Peterson of Carroll, Chair; Halvorson of Webster and Renken.

**House Study Bill 176**

Natural Resources and Outdoor Recreation: Fuller, Chair; Eddie and Fogarty.

**House Study Bill 177**

Natural Resources and Outdoor Recreation: Schrader, Chair; Gruhn and Royer.

**House Study Bill 187**

Energy and Environmental Protection: Schrader, Chair; Bisignano and Lundby.

**House Study Bill 188**

Transportation: Gruhn, Chair; Beaman and Renaud.

**House Study Bill 189**

Transportation: Fogarty, Chair; De Groot and Koenigs.

**House Study Bill 190**

Transportation: Cohoon, Chair; Brown and Spenner.

**House Study Bill 191**

Transportation: Muhlbauer, Chair; Branstad and Koenigs.

**House Study Bill 192**

Transportation: Fey, Chair; Pavich and Schneklath.

**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 116), relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 1989.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 123**, a bill for an act relating to the compensation of election boards.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1989.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House Joint Resolution 6**, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1989.

**Committee Bill** (Formerly House Study Bill 48), authorizing the county conservation board to charge certain county park fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 1989.

**Committee Bill** (Formerly House Study Bill 51), relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 1989.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 98**, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1989.

AMENDMENT FILED

H—3079

H.F. 140

Svoboda of Tama  
Brand of Benton  
Branstad of Winnebago

On motion by Arnould of Scott, the House adjourned at 7:12 p.m., until 9:00 a.m., Wednesday, February 1, 1989.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 1, 1989

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

Prayer was offered by the Honorable Joel Brown, state representative from Lucas County.

The Journal of Tuesday, January 31, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Hester of Pottawattamie, from one hundred thirty-seven employees of the Iowa School for the Deaf in support of Dr. William P. Johnson, the Administration and the School for the Deaf Senate.

## INTRODUCTION OF BILLS

**House File 167**, by Shoning and Harbor, a bill for an act relating to and making appropriations to the department of transportation and the department of personnel.

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

**House File 168**, by Royer, a bill for an act relating to the prevention of the spread of or destruction of noxious weeds at gravel or sand pits, with a penalty made applicable.

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

**House File 169**, by Svoboda, a bill for an act relating to automobile liability insurance by regulating certain automobile insurance rates in connection with claims based upon uninsured, underinsured, or hit-and-run coverage.

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

**House File 170**, by Garman and Metcalf, a bill for an act relating to the maximum liability allowable for noneconomic damages.

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

**House File 171**, by Hansen of Woodbury, a bill for an act relating to weights and measures and other technical standards by providing for reference to the most current standards as adopted by the national institute of standards and technology, formerly the national bureau of standards, and by revising references to the national bureau of standards to reflect its change of name.

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

**House File 172**, by Hammond, a bill for an act permitting a refund of unexpired motor vehicle registration fees to persons who sell their motor vehicles and who will no longer be driving.

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

**House File 173**, by Corbett, a bill for an act restoring the eligibility for pension benefits to certain widows under the retirement systems for city police officers and fire fighters.

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

**House File 174**, by McKinney, a bill for an act relating to the definition of vacancy in office for elected county officers.

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

**House File 175**, by Tyrrell, a bill for an act requiring a committee for a candidate for the general assembly to file a copy of certain disclosure reports with the appropriate county commissioners of elections and making those reports available for public inspection and copying.

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

**House File 176**, by Halvorson of Webster, a bill for an act relating to political campaigns, providing partial public financing of political campaigns, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, appropriating funds, providing penalties, and providing effective retroactive applicability dates.

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

**House File 177**, by Teaford and Beatty, a bill for an act regulating the practice of surrogate parenting and providing a penalty.

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

**House File 178**, by committee on human resources, a bill for an

act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters.

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 January 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 88, a bill for an act relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date.

Also: That the Senate has on January 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 89, a bill for an act relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught.

Also: That the Senate has on January 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 90, a bill for an act relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry.

Also: That the Senate has on January 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 91, a bill for an act to repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:22 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:

Hibbard of Madison, on request of Beatty of Warren; Halvorson of Clayton, for the remainder of the day, on request of Harbor of Mills and Peterson of Carroll, on request of Siegrist of Pottawattamie.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 69**, a bill for an act relating to the dissolution of the Eldora Cemetery Society, Incorporated and the disposition of its property, and providing effective dates, 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?" (H.F. 69)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Halvorson, R. A. Hibbard

Peterson, M. K.

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

**House File 140**, a bill for an act relating to the linked deposit program and providing an effective date, with report of committee recommending passage was taken up for consideration.

Svoboda of Tama offered the following amendment H—3079 filed by Svoboda, et al., and moved its adoption:

H—3079

- 1 Amend House File 140 as follows:
- 2 1. Page 5, by striking lines 13 through 15 and
- 3 inserting the following: "~~one two hundred fifty~~
- 4 ~~thousand dollars per borrower for intangible property~~
- 5 ~~and two hundred fifty thousand dollars per borrower~~
- 6 ~~for tangible personal or real property.~~"

Amendment H—3079 was adopted.

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

On the question "Shall the bill pass?" (H.F. 140)

The ayes were, 95:

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

The nays were, 2:

Renken                      Schneklath

Absent or not voting, 3:

Halvorson, R. A.    Hibbard                      Peterson, M. K.

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 relating to the election of the president of the state board of education, 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?" (H.F. 133)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Gruhn                      Halvorson, R. A.    Hibbard                      Peterson, M. K.

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

**House File 124**, a bill for an act to increase the fee for the wild-life habitat stamp, 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?" (H.F. 124)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 16:

Banks	Bisignano	Branstad	Corbett
Daggett	Hansen, S. D.	Hermann	Jay
Knapp	Lundby	Maulsby	Renken
Schnekloth	Spanner	Stromer	Van Maanen

Absent or not voting, 4:

Halvorson, R. A.	Hibbard	Peterson, M. K.	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.

## COMMUNICATIONS RECEIVED

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

Pursuant to the 1988 Acts of the Seventy-second General Assembly, Chapter 1019, Sections 17 and 18, the following final reports have been received and are on file: The Steering Committee for the Road Use Tax Fund Distribution Study, the Steering Committee for the Alternative Roadside Vegetation Study, and the Steering Committee for the Public Transit Assistance Distribution Study.

The 1989 Report of the Salary Commission, pursuant to Chapter 2A.4, Code of Iowa.

A judicial Compensation Commission Report, pursuant to Chapter 602.1514, Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

The annual report describing the condition of the Hazardous Waste Remedial Fund and providing a report on the sites in the Registry of Abandoned or Uncontrolled Disposal Sites, pursuant to Chapters 455B.425 and 455B.427, Code of Iowa.

### DEPARTMENT OF TRANSPORTATION

The report on driver license record retention, pursuant to Chapter 1214, Sec. 4, 1988 Acts of the Seventy-second General Assembly.

### DIVISION OF COMMUNITY ACTION AGENCIES

A report on efforts and recommendations concerning the weatherization of households, pursuant to Chapter 1175, Sec. 5(5), 1988 Acts of the Seventy-second General Assembly.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 197 Small Business and Commerce**

Relating to insurance by authorizing certain administrative penalties, providing a uniform standard for cancellation notices in personal property lines of insurance, providing for the repeal of requirements to attach applications to policies, distinguishing nonadmitted and unauthorized insurance companies, providing for lump sum payment of workers' compensation and other benefits for purchase of an annuity or other periodic payment plan, requiring certain claimants to exhaust rights available under other policies prior to and as a credit against the Iowa insurance guarantee association, and imposing surplus requirements on county mutual associations.

### **H.S.B. 198 Small Business and Commerce**

Relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

**H.S.B. 199 Energy and Environmental Protection**

Relating to the testing and monitoring of permanent pesticide storage and mixing sites for the detection of contamination.

**H.S.B. 200 Energy and Environmental Protection**

Relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees, providing for appropriation and expenditure of the fee receipts and certain other moneys, and providing penalties.

**H.S.B. 201 Human Resources**

Relating to the full funding of the bill of rights of persons with mental retardation, developmental disabilities, or chronic mental illness.

## SUBCOMMITTEE ASSIGNMENTS

**House File 120**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 139**

Appropriations: Peterson of Carroll, Chair; Hatch and Halvorson of Clayton.

**House File 153**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 155**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 156**

Labor and Industrial Relations: Ollie, Chair; Chapman and Plasier.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 193**

Labor and Industrial Relations: Blanshan, Chair; Diemer and Neuhauser.

## 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 LABOR AND INDUSTRIAL RELATIONS

**House File 29**, a bill for an act relating to the recovery of unemployment compensation overpayments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** with amendment H—3080 January 31, 1989.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 92), relating to the time period for which an annual accounting report for the revolving farm fund is filed.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1989.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 120), relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1989.

## RESOLUTION FILED

**HR 4**, by Lundby, Trent, Eddie, Garman, Corbett, Stromer, Siegrist, Bennett, Miller, Shoning and Hermann, a resolution requesting the United States Congress to establish a new federal minimum wage.

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

## AMENDMENTS FILED

H—3080	H.F.	29	Committee on Labor and Industrial Relations
H—3081	S.F.	39	Daggett of Adams
H—3082	S.F.	39	Connolly of Dubuque

On motion by Arnould of Scott, the House adjourned at 4:54 p.m., until 9:00 a.m., Thursday, February 2, 1989.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 2, 1989

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

Prayer was offered by the Honorable Robert Fuller, state representative from Hardin County.

The Journal of Wednesday, February 1, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills.

## INTRODUCTION OF BILLS

**House File 179**, by Clark, a bill for an act relating to the dispositional order of a child in foster care.

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

**House File 180**, by Clark, a bill for an act relating to child custody orders by requiring a psychiatric evaluation under certain circumstances.

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

**House File 181**, by Shoning, a bill for an act providing a state sales tax exemption for precious metal bullion and certain coins.

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

**House File 182**, 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 183**, by Harper and Connolly, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

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

**House File 184**, by Harbor, a bill for an act relating to and making appropriations to the state board of regents.

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

**House File 185**, by Hammond and Halvorson of Webster, a bill for an act changing the municipal and school campaign finance disclosure filing requirements.

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

**House File 186**, by Tyrrell, a bill for an act relating to the definition of a child in need of assistance.

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

**House File 187**, by Spear, a bill for an act prohibiting disclosure of the identity of a sexual offense victim, and providing a penalty.

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

**House File 188**, by Kremer, a bill for an act relating to additional retirement benefits for fire marshal inspectors employed by the division of fire protection of the department of public safety, and appropriating moneys to pay the employer share of the cost of the additional benefits.

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

**House File 189**, by Royer, a bill for an act relating to the net remittance due as payment of an employer's quarterly contributions to the division of job service of the department of employment services.

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

**House File 190**, by committee on state government, a bill for an act relating to the time period for which an annual accounting report for the revolving farm fund is filed.

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

**House File 191**, by committee on transportation, a bill for an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

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

**House File 192**, by Sherzan, a bill for an act requiring parental leave to be available to employees in the state.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 88**, by committee on human resources, a bill for an act relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date.

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

**Senate File 89**, by committee on human resources, a bill for an act relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught.

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

**Senate File 90**, by committee on human resources, a bill for an act relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry.

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

**Senate File 91**, by committee on transportation, a bill for an act to repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies.

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

#### SPECIAL PRESENTATION

Brand of Benton presented to the House Neil Keegan of La Porte City who represents Area 7 for the "Read A Million Minutes Program." Neil who will be meeting with the Governor, was accompanied by his parents Dick and Connie Keegan.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:28 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:

Royer of Page, for the remainder of the day and February 6, 1989, and Harbor of Mills, for the remainder of the day, on request of Stromer of Hancock; Hibbard of Madison on request of Beatty of Warren; Neuhauser of Johnson on request of Hammond of Story and Shoning of Woodbury on request of Bennett of Ida, both for the remainder of the day.

### INTRODUCTION OF BILLS

**House File 193**, by committee on human resources, a bill for an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

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

**House File 194**, by committee on human resources, a bill for an act relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators.

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

**House File 195**, by committee on human resources, a bill for an act relating to a mandatory assignment of unemployment benefits by the child support recovery unit.

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

**House File 196**, by committee on human resources, a bill for an act relating to the collection of certain adoption information according to federal regulations.

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

**House File 197**, by committee on natural resources and outdoor recreation, a bill for an act to limit operation of motor vehicles in streambeds and providing a penalty.

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

**House File 198**, by committee on natural resources and outdoor recreation, a bill for an act relating to the issuance and possession of commercial fishing operators' licenses.

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

**House File 199**, by committee on small business and commerce, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions.

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

### CONSIDERATION OF BILLS Regular Calendar

**House File 141**, a bill for an act relating to the approval of the natural resource commission of county conservation board acquisitions or developments, was taken up for consideration.

Swartz of Marshall offered the following amendment H-3070 filed by him and Fogarty of Palo Alto and moved its adoption:

H-3070

- 1 Amend House File 141 as follows:
- 2 1. Page 1, by striking lines 34 and 35 and
- 3 inserting the following: "proposals for acquisition
- 4 or exchange of land, and all ~~general development plans~~
- 5 ~~before any such program is executed at least ten days~~
- 6 ~~before the acquisition or exchange."~~

Amendment H-3070 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. 141)

The ayes were, 94:

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

Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Paverson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Halvorson, R. A.	Harbor	Hibbard	Neuhauser
Royer	Shoning		

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

**House File 157**, a bill for an act permitting instruction in American sign language as a foreign language and its use as a medium of instruction in both public and nonpublic schools, 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. 157)

The ayes were, 72:

Adams	Arnould	Banks	Beaman
Bisignano	Blanshan	Brand	Branstad
Brown	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Jay	Jochum	Johnson
Kistler	Koenigs	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Stromer	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 22:

Beatty	Bennett	Black	Brammer
Buhr	Carpenter	Gruhn	Hanson, D. R.
Hermann	Holveck	Jesse	Knapp
Kremer	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Schnekloth
Spenner	Svoboda		

Absent or not voting, 6:

Halvorson, R. A.	Harbor	Hibbard	Neuhauser
Royer	Shoning		

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

**House File 9**, a bill for an act relating to the imposition of judgment, upon which execution will lie, against a criminal offender on probation who fails to comply with a court-ordered plan of restitution, 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. 9)

The ayes were, 94:

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

Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:.

Halvorson, R. A.	Harbor	Hibbard	Neuhauser
Royer	Shoning		

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:

Tyrrell of Iowa, for the remainder of the day, on request of Kremer of Buchanan.

### Ways and Means Calendar

**Senate File 39**, a bill for an act relating to payment of costs of asbestos identification and removal by boards of directors of school districts and providing for the imposition of a tax, with report of committee recommending amendment and passage was taken up for consideration.

Shultz of Black Hawk offered the following amendment H—3044 filed by the committee on education and moved its adoption:

H—3044

- 1 Amend Senate File 39, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 6 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 6 importance, takes effect upon enactment."
- 7 2. Title page, line 3, by inserting after the
- 8 word "tax" the following: "and providing an effective
- 9 date".

The committee amendment H—3044 was adopted.

Daggett of Adams offered the following amendment H—3081 filed by him and moved its adoption:

H—3081

- 1 Amend Senate File 39, as passed by the Senate, as
- 2 follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:

5 "Section 1. Section 279.43, Code 1989, is amended  
6 to read as follows:

7 279.43 OPTIONAL FUNDING OF ASBESTOS REMOVAL OR  
8 ENCAPSULATION PROJECTS.

9 1. The board of directors may pay the actual cost  
10 of removal or encapsulation of an asbestos existing in  
11 its school buildings project from any funds in the  
12 general fund of the district, funds received from the  
13 schoolhouse tax authorized under section 278.1,  
14 subsection 7, funds from the tax levy certified under  
15 section 297.5 or moneys obtained through a federal  
16 asbestos loan program, to be repaid from any of the  
17 funds specified in this subsection.

18 For the purpose of this section, "cost of an  
19 asbestos project" includes the costs of inspection and  
20 reinspection, sampling, analysis, assessment, response  
21 actions, operations and maintenance, training,  
22 periodic surveillance, developing of management plans  
23 and recordkeeping requirements relating to the  
24 presence of asbestos in school buildings of the  
25 district and its removal or encapsulation.

26 2. The board of directors may also submit a  
27 proposal to the qualified electors of the school  
28 district at a regular school election or at a special  
29 election, to authorize an additional tax levy to pay  
30 the actual cost of an asbestos removal or  
31 encapsulation project.

32 3. The election proposal shall include the  
33 following two parts:

34 a. Shall a tax levy be certified for not more than  
35 three consecutive years to pay the actual costs of the  
36 asbestos removal or encapsulation project?

37 b. If a tax levy is authorized by the electorate,  
38 which of the following tax methods shall be used to  
39 pay for the project:

40 (1) A property tax sufficient to pay the actual  
41 costs of the project.

42 (2) A combination of an enrichment property tax  
43 and a school district income surtax certified and  
44 levied as provided in sections 442.14 through 442.20.

45 c. If a property tax levy is selected under  
46 paragraph "b", subparagraph (1), the levy shall be  
47 certified for not more than three consecutive years.

48 d. If a combination of an enrichment property tax  
49 and a school district income surtax is selected, the  
50 amount of tax revenue raised shall not exceed the

**Page 2**

1 actual cost of the removal or encapsulation of the  
2 asbestos project or the maximum amount which may be  
3 raised by the levy of the combination of the taxes for

4 the three school years, as determined under section  
 5 442.14, subsections 3 and 4, whichever amount is less.  
 6 4. If a majority of the qualified electors voting  
 7 for and against the tax authorization proposed under  
 8 subsection 3, paragraph "a", favor the certification  
 9 of a tax levy, the tax method receiving the largest  
 10 number of votes under subsection 3, paragraph "b",  
 11 shall be used to pay the actual costs of the ~~removal~~  
 12 ~~or encapsulation~~ asbestos project.  
 13 5. The taxes certified for levy under this section  
 14 are in addition to any other taxes or additional  
 15 enrichment amount raised for other programs as  
 16 provided by law.  
 17 6. Nothing in sections 442.14 through 442.20 or  
 18 this section shall be construed to ~~require~~ requires  
 19 more than one favorable election to authorize the use  
 20 of a property tax or the combination of an enrichment  
 21 property tax and a school district income surtax to  
 22 pay the actual cost of an asbestos ~~removal~~ or  
 23 ~~encapsulation~~ project under this section."

Roll call was requested by Stromer of Hancock and Daggett of Adams.

On the question "Shall amendment H—3081 be adopted?"  
 (S.F. 39)

The ayes were, 35:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Garman
Hanson, D. R.	Hester	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Muhlbauer	Pellett	Peters
Petersen, D. F.	Plasier	Poncy	Renken
Schneklath	Shearer	Siegrist	Stromer
Stueland	Trent	Van Maanen	

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
May	McKinney	Mertz	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Renaud	Rosenberg	Schrader	Sherzan

Shoultz	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 8:

Halvorson, R. A.	Harbor	Hermann	Hibbard
Neuhauser	Royer	Shoning	Tyrrell

Amendment H—3081 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott on request of Miller of Cherokee; Doderer of Johnson on request of Pavich of Pottawattamie, both for the remainder of the day.

De Groot of Lyon offered the following amendment H—3074 filed by him and moved its adoption:

H—3074

- 1 Amend Senate File 39 as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the words
- 4 "cost of" the following: "an asbestos project
- 5 including the cost of".
- 6 2. By striking page 1, line 19 through page 2,
- 7 line 6, and inserting the following: "the board of
- 8 directors may submit a proposal for funding the cost
- 9 or a portion of the cost of an asbestos project to the
- 10 school budget review committee. The school budget
- 11 review committee shall review the proposal and shall
- 12 determine whether a portion of the cost shall be
- 13 funded under this subsection, based upon its review of
- 14 the school district's budget under section 442.13,
- 15 subsection 3, and other funding provided under
- 16 subsection 1.
- 17 If the school budget review committee approves the
- 18 payment of a portion of the cost of an asbestos
- 19 project under this subsection, it may approve the
- 20 payment over a period not exceeding three years.
- 21 The school budget review committee shall establish
- 22 a modified allowable growth under chapter 442 for each
- 23 district with an approved asbestos project. The
- 24 modified allowable growth shall raise an amount equal
- 25 to one-half the annual cost of the asbestos project.
- 26 The remaining one-half of the annual cost of the
- 27 project shall be paid by the school budget review
- 28 committee to each eligible district from moneys
- 29 appropriated in this subsection.
- 30 There is appropriated from the general fund of the

31 state to the school budget review committee for each  
32 fiscal year an amount sufficient to pay one-half the  
33 annual cost of approved asbestos projects for school  
34 districts.

35 For the purpose of this subsection, the cost of an  
36 asbestos project includes the costs of inspection,  
37 reinspection, sampling, analysis, assessment, response  
38 surveillance, developing of management plans,  
39 recordkeeping requirements, and encapsulation or  
40 removal of the asbestos.

41 Sec. \_\_\_\_\_. This Act, being deemed of immediate  
42 importance, takes effect upon enactment.”

43 3. Title page, line 3, by inserting after the  
44 work “tax” the following: “and an effective date”.

A non-record roll call was requested.

The ayes were 33, nays 58.

Amendment H—3074 lost.

Connolly of Dubuque offered the following amendment H—3082  
filed by him and moved its adoption:

H—3082

1 Amend Senate File 39 as passed by the Senate as  
2 follows:

3 1. Page 1, by striking lines 18 through 27 and  
4 inserting the following:

5 “2. In addition to moneys available under  
6 subsection 1, the board of directors may certify, for  
7 not more than three consecutive years, an additional  
8 property tax levy to pay the actual cost of an  
9 asbestos project. The proceeds of the levy shall not  
10 exceed the actual cost of the asbestos project.”

Roll call was requested by Swartz of Marshall and Arnould of  
Scott.

On the question “Shall amendment H—3082 be adopted?”  
(S.F. 39)

The ayes were, 8:

Brammer	Branstad	Carpenter	Clark
Connolly	Diemer	Halvorson, R.N.	Miller

The nays were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Chapman	Cphoon	Corbett	Daggett

De Groot	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Holveck	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renken	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 13:

Connors	Doderer	Halvorson, R. A.	Harbor
Hermann	Hibbard	Jay	Neuhauser
Renaud	Royer	Shoning	Shoultz
Tyrrell			

Amendment H—3082 lost.

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, 75:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stueland

Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker Avenson	

The nays were, 16:

Bennett	Branstad	Carpenter	Daggett
De Groot	Hanson, D. R.	Maulsby	McKean
Metcalf	Miller	Petersen, D. F.	Plasier
Renken	Schnekloth	Stromer	Van Maanen

Absent or not voting, 9:

Doderer	Halvorson, R. A.	Harbor	Hermann
Hibbard	Neuhauser	Royer	Shoning
Tyrrell			

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

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 30, 31, and February 1, 1989. Had I been present, I would have voted "aye" on House Files 17, 69, 133 and 140; "nay" on House File 124 and "nay" on amendments H—3069, H—3071A, H—3073, H—3076 and H—3078 to House File 17.

PETERSON of Carroll

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 202 Local Government**

Relating to the sale or contracting for goods and services between a civil service commissioner and a city.

#### **H.S.B. 203 Local Government**

Relating to demolition insurance reserves for property in cities.

#### **H.S.B. 204 State Government**

Relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter.

#### **H.S.B. 205 State Government**

Relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing properly related matters, and providing an effective date.

**H.S.B. 206 Agriculture**

Relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

## SUBCOMMITTEE ASSIGNMENTS

**House File 109**

Labor and Industrial Relations: Connors, Chair; Kistler and Wise.

**House File 135**

Natural Resources and Outdoor Recreation: Schrader, Chair; Johnson and Pellett.

**House File 146**

Local Government: Spear, Chair; Banks and Brown.

**House File 147**

Local Government: Bisignano, Chair; Diemer and Mertz.

**House File 151**

Local Government: Fogarty, Chair; Fuller, McKean, Muhlbauer and Royer.

**House File 164**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 168**

Local Government: Fuller, Chair; Muhlbauer and Royer.

**House File 171**

State Government: Poney, Chair; Beatty, Knapp, Tyrrell and Van Maanen.

**House File 172**

Transportation: Renaud, Chair; Fogarty and Royer.

**House File 173**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 174**

Local Government: Peters, Chair; Connors and Renken.

**House File 175**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House File 176**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House File 177**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 183**

Education: Harper, Chair; Haverland and Maulsby.

**House File 185**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 188**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 192**

Labor and Industrial Relations: Sherzan, Chair; Diemer and Harper.

**Senate File 89**

State Government: Beatty, Chair; Buhr, Garman, Lundby and Pavich.

**Senate File 90**

State Government: Beatty, Chair; Knapp, Poney, Tyrrell and Van Maanen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 169**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 170**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 171**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 172**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House Study Bill 180**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 181**

Energy and Environmental Protection: May, Chair; Jesse and Siegrist.

**House Study Bill 182**

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

**House Study Bill 183**

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

**House Study Bill 185**

Natural Resources and Outdoor Recreation: Eddie, Chair; Swartz and Tabor.

**House Study Bill 196**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House Study Bill 197**

Small Business and Commerce: Groninga, Chair; Holveck and Schnekloth.

**House Study Bill 198**

Small Business and Commerce: Hibbard, Chair; Shoultz and Trent.

**House Study Bill 199**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 200**

Energy and Environmental Protection: Shoultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

**House Study Bill 206**

Agriculture: McKinney, Chair; Banks, Branstad, De Groot, Gruhn, Osterberg 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 HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 34), relating to a mandatory assignment of unemployment benefits by the child support recovery unit.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 1, 1989.

**Committee Bill** (Formerly House Study Bill 114), relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1989.

**Committee Bill** (Formerly House Study Bill 115), relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1989.

**Committee Bill** (Formerly House Study Bill 140), relating to the collection of certain adoption information according to federal regulations.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 5**, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 49), to limit operation of motor vehicles in streambeds and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1989.

**Committee Bill** (Formerly House Study Bill 156), relating to the issuance and possession of commercial fishing operators' licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 1, 1989.

#### AMENDMENT FILED

H—3083

H.F. 163

Gruhn of Dickinson

On motion by Arnould of Scott, the House adjourned at 4:52 p.m., until 10:00 a.m., Monday, February 6, 1989.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 6, 1989

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

Prayer was offered by Joan Koenigs, wife and Secretary to Representative Deo Koenigs.

The Journal of Thursday, February 2, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Poncy of Wapello, from one hundred fifty-nine citizens favoring strengthening laws on pornography.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster, for the week of February 6, on request of Adams of Hamilton; Metcalf of Polk, until her return, on request of Renken of Grundy; Petersen of Muscatine, until his arrival, on request of Bennett of Ida.

## 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, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act making it an aggravated misdemeanor to rent or offer for rental certain material depicting sadomasochistic abuse, excretory functions, or bestiality, and providing an effective date.

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House File 200**, by Haverland, a bill for an act relating to individuals who are no longer eligible for aid to dependent children due to earned income by providing transitional child support payments.

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

**House File 201**, by Jochum, Miller, Spenner and Shearer, a bill for an act relating to the regulation of lotteries, lottery tickets, and other games of chance, or contest, by amending provisions relating to advertising.

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

**House File 202**, by Haverland, a bill for an act providing a state earned income credit and providing a retroactive applicability date.

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

**House File 203**, by Fogarty, a bill for an act providing for jailer training programs to be administered by the Iowa law enforcement academy.

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

**House File 204**, by Shoning, a bill for an act relating to and making appropriations to various education agencies including the department of education.

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

**House File 205**, by Dvorsky and Wise, a bill for an act authorizing the imposition of an economic development tax levy by cities, counties, and special land use districts acting independently or jointly.

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

**House File 206**, by Haverland, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

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

**House File 207**, by Lageschulte, a bill for an act relating to operating a motor vehicle while intoxicated, by reducing the requisite alcohol concentration, and making penalties applicable.

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

**House File 208**, by Van Maanen, a bill for an act relating to refunds and credits issued on the unexpired portions of vehicle registration fees.

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

**House File 209**, by Hammond, Osterberg and Holveck, a bill for an act relating to the limitations on smoking in public places.

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

**House File 210**, by Stueland, a bill for an act relating to the establishment of foreign trade offices and agricultural trade specialist positions by the department of agriculture and land stewardship.

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

**House File 211**, by Hammond, Buhr, Miller, Carpenter and Shearer, a bill for an act relating to expanding public access to official meetings and records.

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

**House File 212**, by Poncy, a bill for an act relating to the taxation of improvements made to residential property.

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

**House File 213**, by Haverland, a bill for an act requiring the department of human services to develop a health insurance proposal for certain recipients of transitional medical assistance.

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

**House File 214**, by Wise, a bill for an act providing for payment to the department of revenue and finance of interest on the funds of local taxes administered by the department.

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

**House File 215**, by Metcalf, 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 216**, by 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**.

## SENATE MESSAGE CONSIDERED

**Senate File 114**, by committee on judiciary, a bill for an act making it an aggravated misdemeanor to rent or offer for rental certain material depicting sadomasochistic abuse, excretory functions, or bestiality, and providing an effective date.

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

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 98**, a bill for an act relating to the establishment of bank offices within a municipal corporation or urban complex in which the principal place of business of the bank is located, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 98)

The ayes were, 92:

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

The nays were, none.

Absent or not voting, 8:

Chapman	Halvorson, R. N.	Hansen, S. D.	Jay
Metcalfe	Petersen, D. F.	Plasier	Royer

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

**House File 123**, a bill for an act relating to the compensation of election boards, 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?" (H.F. 123)

The ayes were, 92:

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

The nays were, none.

Absent or not voting, 8:

Chapman	Halvorson, R. N.	Hansen, S. D.	Jay
Metcalfe	Miller	Petersen, D. F.	Royer

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 10:42 a.m., until the fall of the gavel.

The House resumed session at 12:10 p.m., Connors of Polk 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 Joint Resolution 7**, by Hammond, Peters, Brown, Jesse, Dvorsky, Wise, Svoboda, Mertz, Nielsen, Shearer, Poncy, Shoultz, Neuhauser, Lykam, Buhr, Arnould, Connors, Harper, Muhlbauer, Johnson, McKinney, Adams, Blanshan, Renaud, Brammer, Black, Koenigs, Knapp, Peterson of Carroll, Pavich, Brand, May, Cohoon, Gruhn, Fuller, Fogarty, Connolly, Chapman, Hatch, Osterberg, Fey, Schrader, Groninga, Ollie and Rosenberg, 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 217**, by committee on agriculture, a bill for an act authorizing the department of agriculture and land stewardship to establish dates for renewal of brands of record.

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, 1989, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 123, a bill for an act deappropriating and reappropriating moneys for the planning or construction of juvenile facilities and providing an effective date.

JOHN F. DWYER, Secretary

#### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on state government upon adjournment for the consideration of House Joint Resolution 7.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 2, 1989. Had I been present, I would have voted "aye" on House Files 9, 141, 157, amendment H—3081 to Senate File 39 and Senate File 39; "nay" on amendment H—3082 to Senate File 39.

SHONING of Woodbury

## COMMUNICATIONS RECEIVED

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

### HIGHER EDUCATION TASK FORCE

A report and recommendations on vocational education, pursuant to Chapter 1262, Sec. 6, 1988 Acts of the Seventy-second General Assembly.

### VOCATIONAL EDUCATION AND ARTICULATION SUBCOMMITTEE OF THE HIGHER EDUCATION TASK FORCE

A report of a study on vocational education requirements proposed by the State Board of Education, pursuant to Chapter 1262, Sec. 4, 1988 Acts of the Seventy-second General Assembly.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 207 Economic Development**

Relating to economic development corporations in Iowa.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 85**

Judiciary and Law Enforcement: Beatty, Chair; Peterson of Carroll and Shoning.

#### **House File 91**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

#### **House File 95**

Judiciary and Law Enforcement: Renaud, Chair; Kremer and Poncy.

#### **House File 107**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

#### **House File 114**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

#### **House File 115**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 125**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 128**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 136**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 149**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 152**

Judiciary and Law Enforcement: Beatty, Chair; Peterson of Carroll and Shoning.

**House File 181**

Ways and Means: Chapman, Chair; Bennett and Connolly.

**House File 182**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**Senate File 56**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**Senate File 91**

Local Government: Fogarty, Chair; Brown and Royer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 202**

Local Government: Shearer, Chair; Eddie and Peters.

**House Study Bill 203**

Local Government: Brown, Chair; McKean and Mertz.

**CERTIFICATES OF RECOGNITION**

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

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

- |        |   |
|--------|---|
| 1989-6 | Amalgamated UAW Local 893 of Marshalltown — For twenty-five years of involvement in Marshalltown and surrounding area.                          |
| 1989-7 | Bluffs Run, Council Bluffs — Ranked in the top five Dog Tracks nationally with total attendance of 1,107,106 and total handle of \$122,165,062. |
| 1989-8 | Rachael Daach, Dubuque — Recognition for being elected Lieutenant Governor of Girls' State.   |

**SPONSORS ADDED**  
(House Joint Resolution 7)

The following members requested to be added as sponsors of House Joint Resolution 7: Hanson of Delaware, Stromer of Hancock, Harbor of Mills, Maulsby of Calhoun, Van Maanen of Mahaska, Tyrrell of Iowa, Halvorson of Clayton, Pellett of Cass, Schnekloth of Scott, Lageschulte of Bremer, Eddie of Buena Vista, Lundby of Linn, Metcalf of Polk, Renken of Grundy, Shoning of Woodbury, Branstad of Winnebago, Daggett of Adams, De Groot of Lyon, Trent of Muscatine, Bennett of Ida, Garman of Story, Siegrist of Pottawattamie, Carpenter of Polk, Plasier of Sioux, Hester of Pottawattamie, Kremer of Buchanan, Diemer of Black Hawk, Petersen of Muscatine, Kistler of Jefferson, McKean of Jones, Beaman of Clarke, Spenner of Henry, Clark of Cerro Gordo, Banks of Plymouth, Corbett of Linn and Miller of Cherokee.

**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 145), authorizing the department of agriculture and land stewardship to establish dates for renewal of brands of record.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1989.

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**House File 1**, a bill for an act relating to underground storage tanks, by creating a state fund and administrative body for the fund, establishing certain fees, authorizing revenue bond issues, creating a capital investment tax credit for certain purposes, authorizing certain back-up funding mechanisms including sales and use taxes only if necessary to assure timely payment of revenue bond obligations, providing penalties, providing certain future automatic repeal dates, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3084** February 2, 1989.

**Pursuant to Rule 31.7, House File 1 was referred to the committee on ways and means.**

## COMMITTEE ON STATE GOVERNMENT

**House Joint Resolution 7**, 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.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 1989.

## RESOLUTION FILED

**HR 5**, by Stromer, Harbor, Maulsby, Van Maanen, Tyrrell, Halvorson of Clayton, Pellett, Schnekloth, Stueland, Eddie, Lundby, Hanson of Delaware, Metcalf, Renken, Shoning, Branstad, Daggett, De Groot, Trent, Bennett, Garman, Siegrist, Carpenter, Plasier, Hester, Kremer, Diemer, Hermann, Royer, Petersen of Muscatine, Kistler, McKean, Beaman, Spenner, Clark, Banks, Corbett and Miller, a house resolution relating to the proposed congressional salary increase.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-3084	H.F.	1	Committee on Energy and Environmental Protection
H-3085	H.F.	165	Spear of Lee
H-3086	H.F.	191	Koenigs of Mitchell

On motion by Arnould of Scott, the House adjourned at 4:37 p.m., until 9:00 a.m., Tuesday, February 7, 1989.

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 7, 1989

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 Monday, February 6, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Stueland of Clinton, from fifty-seven citizens of De Witt opposing river boat gambling.

## 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 2, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 105, a bill for an act relating to assisting the department of human services in dependent adult abuse investigations.

Also: That the Senate has on February 2, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 113, a bill for an act relating to state taxes and tax administration by increasing the threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresidents on incomes from agricultural products, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions.

Also: That the Senate has on February 2, 1989, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 119, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

Also: That the Senate has on February 6, 1989, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

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

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House Joint Resolution 8**, by Sherzan, a joint resolution to nullify a portion of the administrative rule of the department of employment services relating to lockouts and providing an effective date.

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

**House File 218**, by Rosenberg, a bill for an act relating to the reporting of motor vehicle accidents resulting in property damage and the motor vehicle financial responsibility law.

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

**House File 219**, by Adams and Ollie, a bill for an act to appropriate moneys for a study of the literacy of Iowa's young adults.

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

**House File 220**, by Sherzan, a bill for an act relating to the prohibition of the use of public funds to influence elections to certify exclusive public employee bargaining representatives.

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

**House File 221**, by Buhr and Harper, a bill for an act relating to the eligibility of certain medical assistance recipients.

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

**House File 222**, by Sherzan, a bill for an act relating to application fees for asbestos abatement workers and supervisors.

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

**House File 223**, by Neuhauser, a bill for an act establishing the crime of fourth degree sexual abuse by certain state, county, and municipal employees, officers, and agents, and making penalties applicable.

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

**House File 224**, by Hatch, a bill for an act establishing an employment rights information and referral service in the division of labor services of the department of employment services.

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

**House File 225**, by McKean, a bill for an act relating to the hearing and determination of special exceptions to city and county zoning ordinances.

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

**House File 226**, by Rosenberg, a bill for an act changing the title of juvenile court referees to associate juvenile judges.

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

**House File 227**, by Kremer, a bill for an act relating to the fees assessed for the grain depositors and sellers indemnity fund.

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

**House File 228**, by Tyrrell, a bill for an act increasing the penalty for disturbance of burial sites.

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

**House File 229**, by Schrader, a bill for an act relating to the purchase of certain degradable and biodegradable products by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

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

**House File 230**, by Hammond, a bill for an act relating to the state individual income tax by allowing a medical and health insurance deduction and providing a retroactive applicability date.

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

**House File 231**, by Schrader, a bill for an act to restrict the use of electronic computer terminals or other devices for lottery games to use only for on-line lotto games.

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

**House File 232**, by Koenigs, a bill for an act requiring certain repayment moneys to be credited to the special railroad facility fund for use in projects which require reimbursement of moneys received.

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

**House File 233**, by Halvorson of Clayton and Harbor, 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**.

### SENATE MESSAGE CONSIDERED

**Senate File 119**, by committee on appropriations, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of House Joint Resolution 7 and House Resolution 5.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, until his arrival, on request of Johnson of Winneshiek; Knapp of Dubuque on request of May of Worth.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House Joint Resolution 7**, 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, with report of committee recommending passage was taken up for consideration.

Hammond of Story moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

**House Joint Resolution 7**, 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.

WHEREAS, The First Congress of the United States of America, at its first session, sitting in New York, New York, on September 25, 1789, in both houses, by a constitutional majority of two-thirds, has proposed an amendment to the Constitution of the United States of America in the following words:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled two-thirds of both Houses concurring, that the following (Article) be proposed to the legislatures of the several states, as (an Amendment) to the Constitution of the United States, . . . which (Article), when ratified by three-fourths of said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz;

“(An Article) in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

#### “ARTICLE

“No law, varying the compensation for the services of the Senators and Representatives, shall take effect until an election of Representatives shall have intervened.”

WHEREAS, Article V of the Constitution of the United States allows the ratification of the proposed amendment to the United States Constitution by the General Assembly of the State of Iowa; and

WHEREAS, The proposed amendment to the Constitution of the United States has already been ratified by the Legislatures of the following States in the years indicated: Maryland in 1789; North Carolina in 1789; South Carolina in 1790; Delaware in 1790; Vermont in 1791; Virginia in 1791; Ohio in 1873; Wyoming in 1978; Maine in 1983; Colorado in 1984; South Dakota in 1985; New Hampshire in 1985; Arizona in 1985; Tennessee in 1985; Oklahoma in 1985; New Mexico in 1986; Indiana in 1986; Utah in 1986; Montana in 1987; Connecticut in 1987; Arkansas in 1987; Wisconsin in 1987; Georgia in 1988; West Virginia in 1988; and Louisiana in 1988; and

WHEREAS, Article V of the Constitution of the United States does not state a time limit on ratification of an amendment submitted

by Congress, and the First Congress specifically did not provide a time limit for ratification of the proposed amendment; and

WHEREAS, The United States Supreme Court has ruled in Coleman v. Miller, 307 U.S. 433 (1939), that an amendment to the United States Constitution may be ratified by States at any time, and Congress must then finally decide whether a reasonable time had elapsed since its submission when, in the presence of certified ratifications by three-fourths of the States, the time arrives for the promulgation of the adoption of the amendment; NOW THEREFORE,

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

That the foregoing proposed amendment to the Constitution of the United States is hereby ratified and consented to by the State of Iowa and the General Assembly thereof; and

BE IT FURTHER RESOLVED, That the Governor of the State of Iowa forward certified copies of this resolution over the seal of the State of Iowa to the Archivist of the United States, and to the presiding officers of the Senate and House of Representatives of the United States.

BE IT FURTHER RESOLVED, That the General Assembly of the State of Iowa urges the State Legislatures of those States which have not done so to follow Iowa in ratifying the proposed amendment and that, as an incentive for them to do so, copies of the foregoing preamble and resolution be transmitted to those State Legislatures.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 7)

The yeas were, 86:

Adams	Arnould	Banks	Beaman
Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jesse
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Tabor	Teaford	Trent	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 2:

Beatty                      Doderer

Absent or not voting, 12:

Bennett	Black	Buhr	Connolly
Halvorson, R. N.	Jay	Jochum	Knapp
Rosenberg	Svoboda	Swartz	Tyrrell

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

#### ADOPTION OF HOUSE RESOLUTION 5

Stromer of Hancock called for consideration House Resolution 5, relating to the proposed congressional salary increase.

#### RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for amendments filed to House Resolution 5.

Chapman of Linn offered amendment H—3090 filed by her from the floor. Division was requested as follows:

H—3090

1 Amend House Resolution 5 as follows:

H—3090A

2 1. Page 1, line 21, by striking the word "twenty-

3 five" and inserting the following: "twenty-six".

4 2. Page 1, by inserting after line 24 the

5 following:

6 "Whereas, both President Bush and former President

7 Reagan have endorsed the congressional salary

8 increase; and".

9 3. By striking page 1, line 29 through page 2,

10 line 8 and inserting the following: "That President

11 Bush be urged to retract his endorsement of the

12 congressional salary increase; and".

13 4. Page 2, line 10, by inserting after the word

14 "provide" the following: "President Bush and".

H—3090B

15 5. Page 2, line 11, by striking the words “and  
16 Speaker Wright”.

On motion by Chapman of Linn, amendment H—3090A was adopted.

Chapman of Linn asked and received unanimous consent to withdraw amendment H—3090B.

Stromer of Hancock moved the adoption of the resolution, as amended.

Roll call was requested by Chapman of Linn and Fey of Scott.

On the question “Shall the resolution be adopted?” (H.R. 5)

The ayes were, 85:

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

The nays were, 1:

Doderer

Absent or not voting, 14:

Bennett	Black	Buhr	Connors
Halvorson, R. N.	Harbor	Jay	Jochum
Knapp	Rosenberg	Shoultz	Svoboda
Swartz	Tyrrell		

The motion prevailed and the resolution, as amended, was adopted.

**IMMEDIATE MESSAGE**  
(House Joint Resolution 7)

Arnould of Scott asked and received unanimous consent to immediately message House Joint Resolution 7 to the Senate.

On motion by Arnould of Scott, the House was recessed at 9:51 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:

Jochum of Dubuque on request of Peterson of Carroll.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 163**, a bill for an act relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation, was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—3083 filed by her and moved its adoption:

H—3083

- 1 Amend House File 163 as follows:
- 2 1. Page 1, by striking lines 9 through 13 and
- 3 inserting the following: "after receipt of the
- 4 request. The hearing shall be held by telephone
- 5 conference unless the licensee and the department of
- 6 inspections and appeals agree to hold the hearing in
- 7 the county in which the licensee resides unless the
- 8 department and the licensee agree that such hearing
- 9 may be held or in some other county. Upon such the
- 10 hearing the director or the".
- 11 2. Page 1, line 22, by inserting after the word
- 12 "license." the following: "This section does not
- 13 preclude the director from attempting to effect an
- 14 informal settlement under chapter 17A.
- 15 PARAGRAPH DIVIDED."
- 16 3. Page 1, by striking lines 33 and 34.

Amendment H—3083 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. 163)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Clark	Halvorson, R. N.	Jochum	May
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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 165**, a bill for an act relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees, was taken up for consideration.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3085 filed by him on February 6, 1989.

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. 165)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Clark	Halvorson, R. N.	Jochum
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF COMMERCE

The annual report of the Iowa Accountancy Examining Board, pursuant to Chapter 258A 4.2, Code of Iowa.

A report of the Iowa Real Estate Commission, pursuant to Chapter 258A.4, Code of Iowa.

The annual report of the Iowa Engineering and Land Surveying Examining Board, pursuant to Chapter 258A.4, Code of Iowa.

The annual report of the Iowa Architectural Examining Board, pursuant to Chapter 258A.4, Code of Iowa.

The annual report of the Iowa Landscape Architectural Examining Board, pursuant to Chapter 258A 4.2, Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 208 Human Resources**

Relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

### **H.S.B. 209 Energy and Environmental Protection**

Relating to infectious waste management.

### **H.S.B. 210 Energy and Environmental Protection**

Relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

### **H.S.B. 211 Energy and Environmental Protection**

Relating to the permit requirements for a proposed disposal system, and incorporating a penalty.

### **H.S.B. 212 State Government**

Relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

### **H.S.B. 213 Education**

Relating to private and home education and providing a penalty.

### **H.S.B. 214 Economic Development**

Relating to the Iowa lottery by repealing the statutory provision which abolishes the lottery July 1, 1990.

## SUBCOMMITTEE ASSIGNMENTS

### **House Joint Resolution 8**

Labor and Industrial Relations: Sherzan, Chair; Peters and Tyrrell.

### **House File 1**

Ways and Means: Osterberg, Chair; Brand, Hanson of Delaware, Rosenberg and Schneklath.

**House File 161**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**House File 162**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**House File 170**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 179**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 180**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 186**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 187**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncey.

**House File 203**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 207**

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

**House File 210**

Agriculture: Gruhn, Chair; Muhlbauer and Stueland.

**House File 219**

Education: Adams, Chair; Corbett and Ollie.

**House File 220**

Labor and Industrial Relations: Blanshan, Chair; Kremer and Neuhauser.

**House File 222**

Labor and Industrial Relations: Sherzan, Chair; Brammer and Kistler.

**House File 224**

Labor and Industrial Relations: Neuhauser, Chair; Blanshan and Diemer.

**House File 227**

Agriculture: Koenigs, Chair; Eddie and Muhlbauer.

**Senate File 88**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**Senate File 114**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 162**

Economic Development: Lykam, Chair; Connolly, Corbett, Metcalf and Ollie.

**House Study Bill 168 (Reassigned)**

Labor and Industrial Relations: Connors, Chair; Kistler and Lykam.

**House Study Bill 184**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 195**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 201**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 207**

Economic Development: Jesse, Chair; Beaman, Lageschulte, Neuhauser and Ollie.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

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

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 29), relating to assisting the department of human services in dependent adult abuse investigations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1989.

**Committee Bill** (Formerly House Study Bill 40), relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aid program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1989.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 146**, a bill for an act relating to the county commission of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3088** February 6, 1989.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 178), relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1989.

## RESOLUTION FILED

**HCR 6**, by Fey, a concurrent resolution designating March 1989 as Iowa Women's History Month.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—3087	H.F.	29	Tyrrell of Iowa
			Diemer of Black Hawk
			Kistler of Jefferson
			Hester of Pottawattamie
			Plasier of Sioux
H—3088	H.F.	146	Committee on Local
			Government
H—3091	H.F.	5	Metcalf of Polk
H—3092	H.F.	29	Tyrrell of Iowa
H—3093	H.F.	5	Tyrrell of Iowa
H—3094	H.F.	196	Corbett of Linn
			Banks of Plymouth
			Garman of Story
H—3095	H.F.	197	Jay of Appanoose

On motion by Arnould of Scott, the House adjourned at 4:40 p.m., until 9:00 a.m., Wednesday, February 8, 1989.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 8, 1989

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, February 7, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Gruhn of Dickinson, from twenty-one constituents from District 12 opposing riverboat gambling.

## INTRODUCTION OF BILLS

**House File 234**, by committee on small business and commerce, a bill for an act relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies.

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

**House File 235**, by committee on human resources, a bill for an act relating to the reporting of abuse of children and dependent adults.

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

**House File 236**, by committee on human resources, a bill for an act relating to the establishment of formulas for the allocation of funds to the public health nursing program and the homemaker-home health aid program.

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

**House File 237**, by Fuller, a bill for an act relating to taxation of public property and providing an applicability date.

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

**House File 238**, by Peters and Hermann, a bill for an act authorizing voter approval of the acquisition of certain buildings by a city.

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

**House File 239**, by Haverland, a bill for an act authorizing the director of public health or the director's agent to conduct epidemiological blinded studies.

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

**House File 240**, by Harper, a bill for an act relating to the credentialing of mental health counselors, changing the name and composition of the board of social work examiners and adding powers and duties of the board with respect to mental health counselors, making penalties applicable, and providing other properly related matters.

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

**House File 241**, by Fuller, Muhlbauer, Renaud and Pellett, a bill for an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations.

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

**House File 242**, by Shearer, a bill for an act relating to inheritance taxation of deferred estates.

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

**House File 243**, by Jesse, a bill for an act relating to the requirement of a permit for disposal of municipal sewer sludge.

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

**House File 244**, by Garman, a bill for an act immunizing guardians and conservators from personal liability in the official discharge of their duties.

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

**House File 245**, by Metcalf, a bill for an act providing a state sales tax exemption for certain medical equipment.

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

**House File 246**, 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 247**, by Hermann, a bill for an act creating an independent ethics commission.

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

**House File 248**, by Trent, a bill for an act relating to corporations, by authorizing certain stock rights and options and corporate defenses against hostile takeovers and by permitting consideration by the board of directors of the impact of corporate decisions upon interested groups other than the corporation's shareholders.

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

**House File 249**, by Spear, a bill for an act relating to the elimination of the mandatory leave provision applicable to civil service employees in a county sheriff's office.

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

**House File 250**, by Jochum, Rosenberg, Hatch, Buhr, Clark, Carpenter, Neuhauser, Hammond and Dvorsky, a bill for an act relating to violations of an individual's civil rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

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

**House File 251**, by Pavich, a bill for an act relating to the deliberations of a county civil service commission after a disciplinary hearing.

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

**House File 252**, by Spear, a bill for an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 105**, by committee on human resources, a bill for an act relating to assisting the department of human services in dependent adult abuse investigations.

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

**Senate File 113**, by committee on ways and means, a bill for an act relating to state taxes and tax administration by increasing the

threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresidents on incomes from agricultural products, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions.

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

**Senate File 123**, by committee on appropriations, a bill for an act deappropriating and reappropriating moneys for the planning or construction of juvenile facilities and providing an effective date.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 46, a bill for an act relating to the employment of inmates and prisoners.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 71, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 112, a bill for an act relating to nonsubstantive Code corrections.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 121, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 122, a bill for an act relating to the practice of tattooing and providing penalties.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 125, a bill for an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

Also: That the Senate has on February 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 129, a bill for an act relating to the release of child abuse information to certain individuals.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:26 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

INTRODUCTION OF BILLS

**House File 253**, by Groninga, Schnekloth, Chapman and Metcalf, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state bank holding company.

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

**House File 254**, by committee on agriculture, a bill for an act relating to the regulation of oxygenate octane enhancers.

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

**House File 255**, by committee on state government, a bill for an act relating to forms for the registration of voters.

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

**House File 256**, by committee on state government, a bill for an act relating to the elimination of the risk management division of the department of general services.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, for the remainder of the day, on request of Pavich of Potawattamie.

CONSIDERATION OF BILLS

Regular Calendar

**House File 166**, a bill for an act relating to the authority of county conservation boards, by authorizing the charging of certain county

park fees and by prohibiting the exclusive use of county parks by one or more organizations, was taken up for consideration.

Buhr of Polk in the chair at 4:03 p.m.

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. 166)

The ayes were, 82:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoultz	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Wise	Buhr		
	Presiding		

The nays were, 14:

Bennett	Branstad	Brown	Corbett
Daggett	Garman	Jay	Lundby
Pellett	Renken	Shoning	Siegrist
Spear	Van Maanen		

Absent or not voting, 4:

Halvorson, R. N.	Mertz	Muhlbauer	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 190**, a bill for an act relating to the time period for which an annual accounting report for the revolving farm fund is filed, 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. 190)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Halvorson, R. N. Muhlbauer

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

Speaker Avenson in the chair at 4:18 p.m.

**House File 194**, a bill for an act relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators, was taken up for consideration.

Nielsen 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. 194)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Halvorson, R. N. Muhlbauer

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 acceptance of the provisions and benefits of federal rehabilitation acts, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 193 be deferred and that the bill retain its place on the calendar.

## SENATE MESSAGE CONSIDERED

**Senate File 125**, by committee on education, a bill for an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

Read first time and **passed on file**.

The House resumed consideration of **House File 193**, a bill for an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts, previously deferred.

## SENATE FILE 125 SUBSTITUTED FOR HOUSE FILE 193

Buhr of Polk asked and received unanimous consent to substitute Senate File 125 for House File 193.

**Senate File 125**, a bill for an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 125)

The ayes were, 95:

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

Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Doderer	Halvorson, R. N.	Hatch	Metcalf
Muhlbauer			

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

**House File 29**, a bill for an act relating to the recovery of unemployment compensation overpayments, with report of committee recommending amendment and passage was taken up for consideration.

Peters of Woodbury offered the following amendment H—3080 filed by the committee on labor and industrial relations:

H—3080

- 1 Amend House File 29 as follows:
- 2 1. Page 1, lines 1 and 2, by striking the words
- 3 "unnumbered paragraph 1,".
- 4 2. Page 1, by striking lines 3 through 16 and
- 5 inserting the following:
- 6 "7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an
- 7 individual receives benefits for which the individual
- 8 is subsequently determined to be ineligible, even
- 9 though the individual acts in good faith and is not
- 10 otherwise at fault, the benefits shall be recovered
- 11 unless the recovery is against equity and good
- 12 conscience due to an individual receiving benefits for
- 13 which the individual acts in good faith and is not
- 14 otherwise at fault. The For benefits required to be
- 15 recovered, the division of job service in its
- 16 discretion may recover the overpayment of benefits
- 17 either by having a sum equal to the overpayment
- 18 deducted from any future benefits payable to the
- 19 individual or by having the individual pay to the
- 20 division a sum equal to the overpayment; however, the
- 21 division may determine as uncollectible and purge from
- 22 its records any remaining unpaid balance of an
- 23 outstanding overpayment which is three years or older
- 24 from the date of the overpayment decision.
- 25 If the division determines that an overpayment has
- 26 been made, the charge for the overpayment against the
- 27 employer's account shall be removed relieved of the
- 28 charge for the overpayment and the account shall be
- 29 credited with an amount equal to the overpayment from

30 shall be charged against the unemployment compensation  
31 trust fund.

32 Sec. 2. Section 96.11, subsection 13, Code 1989,  
33 is amended by striking the subsection."

Tyrrell of Iowa offered the following amendment H—3092, to the committee amendment H—3080, filed by him and moved its adoption:

H—3092

1 Amend the amendment, H—3080, to House File 29 as  
2 follows:

3 1. Page 1, line 23, by striking the word "three"  
4 and inserting the following: "five".

A non-record roll call was requested.

The ayes were 33, nays 52.

Amendment H—3092 lost.

Tyrrell of Iowa offered the following amendment H—3087, to the committee amendment H—3080, filed by Tyrrell, et al., and moved its adoption:

H—3087

1 Amend amendment, H—3080, to House File 29 as  
2 follows:

3 1. Page 1, by striking lines 6 through 33 and  
4 inserting the following:

5 "7. RECOVERY OF OVERPAYMENT OF BENEFITS. If an  
6 individual receives benefits for which the individual  
7 is subsequently determined to be ineligible, even  
8 though the individual acts in good faith and is not  
9 otherwise at fault, the benefits shall be recovered  
10 unless the determination denying benefits is made by  
11 the Iowa court of appeals or the Iowa supreme court.  
12 The division of job service in its discretion may  
13 recover the overpayment of benefits either by having a  
14 sum equal to the overpayment deducted from any future  
15 benefits payable to the individual or by having the  
16 individual pay to the division a sum equal to the  
17 overpayment. A deduction made to a benefit payment  
18 shall not exceed ten percent of the individual's  
19 benefit payment amount.

20 If the division determines that an overpayment has  
21 been made, the charge for the overpayment against the  
22 employer's account shall be removed and the account  
23 shall be credited with an amount equal to the  
24 overpayment from the unemployment compensation trust  
25 fund."

Roll call was requested by Stromer of Hancock and Tyrrell of Iowa.

On the question "Shall amendment H—3087 be adopted?"  
(H.F. 29)

The ayes were, 39:

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

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 6:

Black	Halvorson, R. N.	Hatch	Koenigs
Mertz	Muhlbauer		

Amendment H—3087 lost.

Peters of Woodbury moved the adoption of the committee amendment H—3080.

A non-record roll call was requested.

The ayes were 50, nays 32.

The committee amendment H—3080 was adopted.

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. 29)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 43:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schneklath	Shoning	Siegrist
Spenner	Stromer	Stueland	Swartz
Trent	Tyrrell	Van Maanen	

Absent or not voting, 2:

Halvorson, R. N. Muhlbauer

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

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 215 Local Government**

Relating to mobile home taxes and providing an effective date.

##### **H.S.B. 216 Local Government**

To change the name of the county board of supervisors to the board of county commissioners.

**H.S.B. 217 Education**

Relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, and payment of costs of children enrolled in districts other than the district of residence, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

**House File 209**

State Government: Hammond, Chair; Carpenter, Peterson of Carroll, Renaud and Shoning.

**House File 211**

State Government: Buhr, Chair; Doderer, Poncy, Renken and Shoning.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 204**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House Study Bill 205**

State Government: Blanshan, Chair; Hanson of Delaware 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 AGRICULTURE

**Committee Bill** (Formerly House Study Bill 167), relating to the regulation of oxygenate octane enhancers.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 7, 1989.

COMMITTEE ON ETHICS

**Committee Resolution**, relating to the house rules governing lobbyists.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1989.

**Committee Resolution**, relating to the House code of ethics.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 149**, a bill for an act relating to the time of collection of the fee for a marriage license by the clerk of the district court.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1989.

#### COMMITTEE ON STATE GOVERNMENT

**House File 127**, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3096** February 7, 1989.

**Pursuant to Rule 31.7, House File 127 was referred to the committee on ways and means.**

**Senate File 119**, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3097** February 7, 1989.

**Pursuant to Rule 31.7, Senate File 119 was referred to the committee on appropriations.**

**Committee Bill** (Formerly House Study Bill 88), relating to forms for the registration of voters.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 7, 1989.

**Committee Bill** (Formerly House Study Bill 110), relating to the elimination of the risk management division of the department of general services.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1989.

#### RESOLUTIONS FILED

**HR 6**, by committee on ethics, a resolution to amend the rules governing lobbyists in the House of Representatives.

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

**HR 7**, by committee on ethics, a resolution to amend the House code of ethics.

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

AMENDMENTS FILED

H—3096	H.F.	127	Committee on State Government
H—3097	S.F.	119	Committee on State Government
H—3098	H.F.	5	Corbett of Linn
H—3099	H.F.	5	Halvorson of Clayton Harbor of Mills
H—3100	H.F.	211	Stromer of Hancock
H—3101	H.F.	195	Peters of Woodbury
H—3102	H.F.	178	Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 5:45 p.m., until 9:00 a.m., Thursday, February 9, 1989.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 9, 1989

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 Wednesday, February 8, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peterson of Carroll, for February 9 and 10, on request of Fey of Scott.

## INTRODUCTION OF BILLS

**House Joint Resolution 9**, by Garman, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the term of office for Senators and members of the House of Representatives to no more than eight years.

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

**House File 257**, by Garman, a bill for an act relating to obscenity law and making penalties applicable.

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

**House File 258**, by Daggett, Poncey, Harbor, Halvorson of Clayton, Beaman and Pavich, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard.

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

**House File 259**, by Trent, a bill for an act relating to the audit of certain cities.

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

**House File 260**, by Poncey, a bill for an act relating to the authority of a class "E" liquor control licensee to hold other retail liquor licenses.

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

**House File 261**, by Schneklath, 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 262**, by Jochum, Hatch and Bisignano, a bill for an act to revise provisions relating to offensive weapons, and making penalties applicable.

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

**House File 263**, by Garman, a bill for an act relating to hunting with a firearm within two hundred yards of certain buildings.

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

**House File 264**, by Pavich, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax.

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

**House File 265**, by Schneklath, 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 effective and applicability dates.

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

**House File 266**, by Corbett, a bill for an act requiring a single registration plate to be generally displayed on the rear of vehicles and allowing the issuance of vanity plates and providing an effective date.

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

**House File 267**, by Schneklath, Banks and Spenner, a bill for an act relating to individual income tax by giving capital gain deduction treatment to limited amounts of long-term capital gains, making the capital gain deduction subject to minimum tax, repealing the provision for special refunds for limited amounts of long-term capital gains, and providing applicability and effective dates.

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

**House File 268**, by Van Maanen, a bill for an act relating to grandparent visitation rights and a determination that the visitations are in the best interests of the child.

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

**House File 269**, by Hatch, Jochum, Hammond, Shoultz, Harper, Teaford, Neuhauser, Ollie, Jesse, Haverland, Dvorsky, Doderer and Rosenberg, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents.

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

**House File 270**, by committee on human resources, a bill for an act relating to the membership of the long-term care coordinating unit within the department of elder affairs.

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

**House File 271**, by committee on ways and means, a bill for an act providing for the repeal of a local option sales and services tax and providing an effective date.

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

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 7, 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.

Also: That the Senate has on February 8, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 150, a bill for an act relating to certain drugs used and activities of the racing commission veterinarian with respect to pari-mutuel horse racing.

JOHN F. DWYER, Secretary

#### HOUSE FILE 193 WITHDRAWN

Fey of Scott asked and received unanimous consent to withdraw House File 193 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 9:18 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:

Groninga of Cerro Gordo, for the afternoon session and February 10, and Bisignano of Polk, for the remainder of the day, on request of Arnould of Scott; Royer of Page, for the remainder of the day, on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House File 272**, by committee on economic development, a bill for an act relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date.

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

**House File 273**, by committee on economic development, a bill for an act relating to economic development corporations in Iowa.

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

**House File 274**, by committee on local government, a bill for an act providing minimum qualifications for the office of county sheriff.

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

## SENATE MESSAGES CONSIDERED

**Senate File 46**, by Peterson, a bill for an act relating to the employment of inmates and prisoners.

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

**Senate File 71**, by Varn, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance.

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

**Senate File 112**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections.

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

**Senate File 121**, by committee on transportation, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

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

**Senate File 122**, by committee on human resources, a bill for an act relating to the practice of tattooing and providing penalties.

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

**Senate File 129**, by committee on judiciary, a bill for an act relating to the release of child abuse information to certain individuals.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 195**, a bill for an act relating to a mandatory assignment of unemployment benefits by the child support recovery unit, was taken up for consideration.

Peters of Woodbury asked and received unanimous consent to withdraw amendment H-3101 filed by him on February 8, 1989.

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. 195)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cphoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Hammond
Hanson, D. R.	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 9:

Bisignano	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Hatch	Peterson, M. K.
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:

Halvorson of Clayton and Harbor of Mills on request of Stromer of Hancock; Hatch of Polk on request of Connors of Polk, all for the remainder of the day; Hansen of Woodbury, for February 9 and 10, on request of Jay of Appanoose.

**House File 196**, a bill for an act relating to the collection of certain adoption information according to federal regulations, was taken up for consideration.

Corbett of Linn offered the following amendment H—3094 filed by him:

H—3094

- 1 Amend House File 196 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. **NEW SECTION. 144.29A TERMINATION OF**
- 5 **PREGNANCY REPORTING.**
- 6 1. A health care provider who identifies a
- 7 spontaneous termination of pregnancy or who induces a
- 8 termination of pregnancy shall file with the
- 9 department a report for each termination within thirty
- 10 days of the occurrence. The report shall contain all
- 11 of the following information with respect to each
- 12 termination:
- 13 a. Health care provider.
- 14 b. Health facility.
- 15 c. Patient number.
- 16 d. The state of residence and, if this state, the
- 17 county of residence of the patient.
- 18 e. Race of the patient.
- 19 f. Age of the patient.
- 20 g. Marital status of the patient.
- 21 h. Educational level of the patient.

22 i. Month and year in which the termination  
23 occurred.  
24 j. The number of weeks since the patient's last  
25 menstrual period.  
26 k. Complications, if any.  
27 l. Cause of termination, if known.  
28 2. The information shall be collected in a manner  
29 which the department shall specify by rule, pursuant  
30 to chapter 17A, and which ensures the anonymity of the  
31 patient who experiences a termination of pregnancy,  
32 the health care provider who identifies or induces a  
33 termination of pregnancy, and the hospital, clinic, or  
34 other health facility in which a termination of  
35 pregnancy is identified or induced. The department  
36 shall publish annually demographic summaries of the  
37 information obtained pursuant to this section, except  
38 that the department shall not disclose any information  
39 obtained pursuant to this section which reveals the  
40 identity of any patient, health care provider, or  
41 hospital, clinic, or other health facility, and shall  
42 ensure anonymity in the following ways:  
43 a. The department may use information concerning  
44 the patient number or concerning the identity of a  
45 specific reporting hospital, clinic, or other health  
46 facility only for purposes of information collection.  
47 The department shall not reproduce this information  
48 for any purpose, and shall not extrapolate this  
49 information for any purposes other than for use in  
50 annually publishing the demographic summary under this

**Page 2**

1 section.  
2 b. The department shall immediately destroy all  
3 reports submitted after information is extrapolated  
4 from the reports for use in annually publishing the  
5 demographic summary under this section."  
6 2. Title page, by striking lines 1 and 2 and  
7 inserting the following: "An Act relating to  
8 information collection by requiring the collection of  
9 certain adoption information according to federal  
10 regulations, by reporting of terminations of  
11 pregnancy, and by making penalties applicable."  
12 3. By renumbering as necessary.

Arnould of Scott rose on a point of order that amendment H-3094 was not germane.

The Speaker ruled the point well taken and amendment H-3094 not germane.

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. 196)

The ayes were, 90:

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

The nays were, none.

Absent or not voting, 10:

Bisignano	Blanshan	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harbor	Hatch
Peterson, M. K.	Royer		

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

**House File 197**, a bill for an act to limit operation of motor vehicles in streambeds and providing a penalty, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3095 filed by him and moved its adoption:

H—3095

1 Amend House File 197 as follows:

- 2 1. Page 1, by striking lines 19 through 29.
- 3 2. Title page, line 2, by striking the words
- 4 "providing a penalty" and inserting the following:
- 5 "making penalties applicable".

Amendment H—3095 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?" (H.F. 197)

The ayes were, 87:

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

The nays were, none.

Absent or not voting, 13:

Bisignano	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Hatch	Johnson
McKean	Peterson, M. K.	Renaud	Royer
Sherzan			

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

**House File 217**, a bill for an act authorizing the department of agriculture and land stewardship to establish dates for renewal of brands of record, 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. 217)

The ayes were, 89:

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

The nays were, none.

Absent or not voting, 11:

Bigignano	Chapman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harbor	Hatch
Hibbard	Peterson, M. K.	Royer	

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 4:07 p.m., until the fall of the gavel.

The House resumed session at 5:07 p.m., Connors of Polk 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 9, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 96, a bill for an act extending the existence of the Iowa health data commission, prohibiting contracting in cases of conflicts of interest, and providing requirements regarding the installation of computerized severity of illness systems.

JOHN F. DWYER, Secretary

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 218 Transportation**

Requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

#### **H.S.B. 219 Transportation**

To modify the requirements for establishing an aviation authority.

#### **H.S.B. 220 Transportation**

Relating to the registration of aircraft.

#### **H.S.B. 221 Energy and Environmental Protection**

Relating to the development of regulatory strategies for groundwater contamination by the department of natural resources.

### SUBCOMMITTEE ASSIGNMENTS

#### **House Joint Resolution 9**

State Government: Blanshan, Chair; Doderer and Hanson of Delaware.

#### **House File 167**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

#### **House File 184**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

#### **House File 200**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

#### **House File 204**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

#### **House File 206**

Local Government: Haverland, Chair; Connors and Hester.

**House File 208**

Transportation: Cohoon, Chair; Branstad and Fogarty.

**House File 213**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 216**

Natural Resources and Outdoor Recreation: Schrader, Chair; Gruhn and Royer.

**House File 218**

Transportation: Jay, Chair; Beaman and Koenigs.

**House File 221**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**House File 225**

Local Government: Shearer, Chair; McKean and Mertz.

**House File 229**

Energy and Environmental Protection: Schrader, Chair; Bisignano, McKean, Nielsen and Siegrist.

**House File 232**

Transportation: Koenigs, Chair; Pavich and Royer.

**House File 240**

State Government: Teaford, Chair; Beatty and Hanson of Delaware.

**House File 243**

Energy and Environmental Protection: Jesse, Chair; Banks and Garman.

**House File 246**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House File 247**

State Government: Connors, Chair; Blanshan and Hanson of Delaware.

**House File 260**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 209**

Energy and Environmental Protection: Bisignano, Chair; Banks, Dvorsky, Garman, Hatch, Nielsen and Siegrist.

**House Study Bill 210**

Energy and Environmental Protection: Holveck, Chair; Adams and McKean.

**House Study Bill 211**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 212**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House Study Bill 215**

Local Government: Muhlbauer, Chair; Banks and Hatch.

**House Study Bill 216**

Local Government: Fuller, Chair; Mertz and Renken.

**House Study Bill 218**

Transportation: Renaud, Chair; Fogarty and Harbor.

**House Study Bill 219**

Transportation: Brown, Chair; Cohoon and Spenner.

**House Study Bill 220**

Transportation: Brown, Chair; Cohoon and Spenner.

**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 162), relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1989.

**Committee Bill** (Formerly House Study Bill 207), relating to economic development corporations in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 43), relating to the membership of the long-term care coordinating unit within the department of elder affairs.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1989.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 91**, a bill for an act to repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1989.

**Committee Bill** (Formerly House File 134), providing minimum qualifications for the office of county sheriff.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1989.

## COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 6**, a bill for an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3104** February 8, 1989.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 89**, a bill for an act relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1989.

**Committee Bill** (Formerly House Study Bill 90), relating to the rulemaking authority of the labor commissioner.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1989.

**Committee Bill** (Formerly House Study Bill 99), relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1989.

**Committee Bill** (Formerly House Study Bill 102), relating to increasing license fees for certain persons engaged in the commercial care of animals.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1989.

## COMMITTEE ON WAYS AND MEANS

**Senate File 113**, a bill for an act relating to state taxes and tax administration by increasing the threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresi-

dents on incomes from agricultural products, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions.

Fiscal Note is required.

Recommended **Do Pass** February 8, 1989.

**Committee Bill** (Formerly House File 125), providing for the repeal of a local option sales and services tax and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1989.

### AMENDMENTS FILED

H-3103	H.F.	191	Corbett of Linn
H-3104	H.F.	6	Committee on Natural Resources and Outdoor Recreation
H-3105	H.F.	235	Corbett of Linn
H-3107	H.F.	5	Connors of Polk Sherzan of Polk
H-3108	H.F.	178	Bisignano of Polk Fey of Scott
H-3109	H.R.	7	McKean of Jones
H-3110	H.R.	7	McKean of Jones
H-3111	H.F.	5	Corbett of Linn
H-3112	H.F.	5	Corbett of Linn
H-3113	H.R.	7	Hermann of Scott
H-3114	H.F.	178	Fey of Scott
H-3115	H.R.	7	Spear of Lee
H-3116	H.R.	7	Garman of Story
H-3117	H.F.	5	Halvorson of Clayton Harbor of Mills
H-3118	H.R.	6	Trent of Muscatine
H-3119	H.R.	7	McKean of Jones
H-3120	H.R.	7	Neuhauser of Johnson
H-3121	H.F.	5	Stromer of Hancock
H-3122	H.F.	5	Schnekloth of Scott
H-3123	H.F.	5	Trent of Muscatine
H-3124	H.R.	7	Hanson of Delaware
H-3125	H.F.	5	Corbett of Linn

On motion by Muhlbauer of Crawford, the House adjourned at 5:08 p.m., until 9:00 a.m., Friday, February 10, 1989.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day — Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 10, 1989

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

Prayer was offered by the Reverend John Hulsizer, pastor of the Church of the Nazarene, Bloomfield.

The Journal of Thursday, February 9, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose on request of May of Worth; Svoboda of Tama, until her arrival, on request of Fey of Scott; Halvorson of Clayton on request of Harbor of Mills; Jesse of Jasper, until his arrival, on request of Brown of Lucas.

## PETITION FILED

The following petition was received and placed on file:

By Wise of Lee, from fifty-five members of Trinity Methodist Church opposing the riverboat gambling bill.

## INTRODUCTION OF BILLS

**House File 275**, by Diemer, a bill for an act relating to protective headgear for motorcyclists and providing penalties.

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

**House File 276**, by De Groot and Tyrrell, a bill for an act providing a property tax exemption for certain residential and commercial property.

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

**House File 277**, by Hatch, a bill for an act relating to the establishment of a state environmental policy and requiring certain activities by governmental units regarding the state environmental policy and its implementation.

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

**House File 278**, by Fuller, a bill for an act relating to showing a hunting, fishing, or trapping license, certificate, or permit.

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

**House File 279**, by Schrader, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

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

**House File 280**, by Maulsby, a bill for an act relating to the college aid commission including making appropriations and combining certain scholarship and grant programs.

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

**House File 281**, by McKinney, a bill for an act providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment and providing an effective date.

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

**House File 282**, by Schrader, a bill for an act relating to the effective date for the provision of tax incentives for the sale and use of degradable bags used as point-of-sale packaging.

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

**House File 283**, by Trent, a bill for an act authorizing the use of tax increment financing before an urban renewal plan is adopted.

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

**House File 284**, by Wise, a bill for an act to permit and requiring all persons eligible for a school license to successfully complete an approved driver education course.

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

**House File 285**, by Schneklath, a bill for an act relating to the valuation of agricultural and residential property and providing an effective date.

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

**House File 286**, by Jochum, a bill for an act relating to eligibility for reimbursement for rent constituting property tax paid.

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

**House File 287**, by Halvorson of Clayton and Harbor, a bill for an act relating to the charging of interest prior to entry of a judgment or decree and providing for the applicability of the Act.

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

**House File 288**, by Hester, a bill for an act relating to the certificate of need program in the Iowa department of public health, establishing a fee, and providing penalties.

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

**House File 289**, by Daggett, a bill for an act to create a loan forgiveness program for students who become nurses at Iowa institutions and remain at nursing positions in the state, providing for rulemaking by the college aid commission, and making an appropriation.

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

**House File 290**, by Garman, a bill for an act relating to insurance coverage requirements for motor vehicles in this state and providing penalties and effective dates.

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

**House File 291**, by Fogarty and Gruhn, a bill for an act relating to driver education requirements by requiring public school districts to allow certain fourteen-year-olds to attend driver education courses and by requiring successful completion of an approved driver education course before a person may be issued a school license.

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

## CONSIDERATION OF BILLS Regular Calendar

**House File 178**, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, was taken up for consideration.

Fey of Scott offered the following amendment H—3114 filed by him and moved its adoption:

H—3114

- 1 Amend House File 178 as follows:
- 2 1. Page 5, line 27, by inserting before the word
- 3 "survey" the following: "final".
- 4 2. Page 5, line 34, by inserting before the word
- 5 "survey" the following: "final".

Amendment H—3114 was adopted.

Bisignano of Polk offered the following amendment H—3108 filed by him and Fey of Scott and moved its adoption:

H—3108

1 Amend House File 178 as follows:

2 1. Page 11, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 170.47, Code 1989, is amended  
5 to read as follows:

6 170.47 INSPECTION UPON COMPLAINT.

7 Upon receipt of a verified complaint signed by a  
8 customer of a food establishment and stating facts  
9 indicating the place is in an insanitary condition,  
10 the department ~~may~~ shall conduct an inspection."

11 2. Page 12, by striking lines 4 through 10 and  
12 inserting the following:

13 "3. 10-101 shall be amended so that the following  
14 food service establishments are ~~exempt from the~~  
15 ~~license requirement~~ have the described exemptions:

16 a. Food service operations in schools are exempt  
17 from the license fee requirement.

18 b. Places used by churches, fraternal societies,  
19 and civic organizations which engage in the serving of  
20 food not more often than ~~ten times per month~~ once per  
21 week are exempt from the license requirement."

22 3. Page 13, by inserting after line 5 the  
23 following:

24 "Sec. \_\_\_\_\_. Section 170A.10, Code 1989, is amended  
25 to read as follows:

26 170A.10 INSPECTION UPON COMPLAINT.

27 Upon receipt of a verified complaint signed by a  
28 customer of a food service establishment and stating  
29 facts indicating the place is in an insanitary  
30 condition, the regulatory authority ~~may~~ shall conduct  
31 an inspection."

32 4. Page 13, by inserting after line 26 the  
33 following:

34 "Sec. \_\_\_\_\_. Section 170B.15, Code 1989, is amended  
35 to read as follows:

36 170B.15 INSPECTION UPON COMPLAINT.

37 Upon receipt of a verified complaint signed by a  
38 guest of a hotel and stating facts indicating the  
39 place is in an insanitary condition, the regulatory  
40 authority ~~may~~ shall conduct an inspection."

41 5. Page 14, line 8, by striking the word "may"  
42 and inserting the following: "shall".

43 6. By numbering and renumbering as necessary.

Amendment H—3108 was adopted, placing out of order amend-  
ment H—3102 filed by Bisignano of Polk on February 8, 1989.

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. 178)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 13:

Cohoon	Daggett	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Holveck	Jay
Jesse	Ollie	Peterson, M. K.	Plasier
Svoboda			

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

**House File 5**, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 9:23 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 5 at 10:45 a.m., Speaker Avenson in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux on request of Mertz of Kossuth.

The following amendments were deferred by unanimous consent:

H—3111 by Corbett of Linn.

H—3112 by Corbett of Linn.

H—3117 by Halvorson of Clayton and Harbor of Mills.

H—3121 by Stromer of Hancock.

H—3122 by Schnekloth of Scott.

Trent of Muscatine offered the following amendment H—3123 filed by him:

H—3123

1 Amend House File 5 as follows:

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

4 "Section 1. Section 85.27, unnumbered paragraph 4,  
5 Code 1989, is amended to read as follows:

6 For purposes of this section, the employer is  
7 ~~obliged to shall~~ furnish reasonable services and  
8 supplies to treat an injured employee, and has the  
9 ~~right to the~~ employee may choose the care. ~~The~~  
10 ~~treatment must be offered promptly and be reasonably~~  
11 ~~suited to treat the injury without undue inconvenience~~  
12 ~~to the employee.~~ If the ~~employee~~ employer has reason  
13 to be dissatisfied with the care ~~offered~~ given, the  
14 ~~employee should~~ employer shall communicate in writing  
15 the basis of ~~such the~~ dissatisfaction to the ~~employer,~~  
16 ~~in writing if requested~~ employee, following which the  
17 employer and the employee may agree to alternate care  
18 reasonably suited to treat the injury. If the  
19 employer and employee cannot agree on ~~such~~ alternate  
20 care, the ~~industrial~~ commissioner may, upon  
21 application and reasonable proofs of the necessity  
22 ~~therefor for other~~ care, allow and order other care.  
23 ~~In an emergency, the employee may choose the~~  
24 ~~employee's care at the employer's expense, provided~~  
25 ~~the employer or the employer's agent cannot be reached~~  
26 ~~immediately.~~

27 If the industrial commissioner disapproves a claim  
28 or a portion of a claim for benefits under this  
29 section because it did not meet the reasonable or  
30 necessary standards of this section, the employee  
31 shall reimburse the employer for the cost or the  
32 portion of the cost of the care which did not meet the  
33 reasonable or necessary standards.

34 Sec. 2. NEW SECTION. 517.7 WORKERS' COMPENSATION  
 35 PREMIUMS.

36 The insurance division of the department of  
 37 commerce shall adopt rules providing that a workers'  
 38 compensation insurance premium paid by an employer  
 39 shall consist of two parts, one part relating to  
 40 payment of medical costs based on hours worked and one  
 41 part relating to payment of all other workers'  
 42 compensation-related benefits based on payroll."

43 2. Title page, by striking lines 1 and 2 and  
 44 inserting the following: "An Act relating to  
 45 employer-employee rights and benefits."

Trent of Muscatine offered the following amendment H—3129, to  
 amendment H—3123, filed by him from the floor:

H—3129

1 Amend the amendment, H—3123, to House File 5 as  
 2 follows:

3 1. Page 1, by striking lines 4 through 45 and  
 4 inserting the following:

5 "Sec. \_\_\_\_\_. Section 85.27, unnumbered paragraph 4,  
 6 Code 1989, is amended to read as follows:

7 For purposes of this section, the employer is  
 8 ~~obliged to~~ shall furnish reasonable services and  
 9 supplies to treat an injured employee, and ~~has the~~  
 10 ~~right to the employee may~~ choose the care. The  
 11 ~~treatment must be offered promptly and be reasonably~~  
 12 ~~suited to treat the injury without undue inconvenience~~  
 13 ~~to the employee. If the employee employer has reason~~  
 14 ~~to be dissatisfied with the care offered given, the~~  
 15 ~~employee should~~ employer shall communicate in writing  
 16 the basis of ~~such~~ the dissatisfaction to the employer,  
 17 in writing if requested employee, following which the  
 18 employer and the employee may agree to alternate care  
 19 reasonably suited to treat the injury. If the  
 20 employer and employee cannot agree on such alternate  
 21 care, the industrial commissioner may, upon  
 22 application and reasonable proofs of the necessity  
 23 therefor for other care, allow and order other care.  
 24 In an emergency, the employee may choose the  
 25 employee's care at the employer's expense, provided  
 26 the employer or the employer's agent cannot be reached  
 27 immediately.

28 If the industrial commissioner disapproves a claim  
 29 or a portion of a claim for benefits under this  
 30 section because it did not meet the reasonable or  
 31 necessary standards of this section, the employee  
 32 shall reimburse the employer for the cost or the  
 33 portion of the cost of the care which did not meet the  
 34 reasonable or necessary standards.

35 Sec. \_\_\_\_\_. NEW SECTION. 91B.1 PART-TIME EMPLOYEE  
36 BENEFITS.

37 An employer shall provide, on a pro rata basis, to  
38 a permanent, part-time employee working an average of  
39 twenty hours or more per week, all employment-related  
40 benefits which the employer provides to full-time  
41 employees.

42 Sec. \_\_\_\_\_. NEW SECTION. 91D.1 DISCHARGE OF  
43 EMPLOYEES.

44 1. As used in this section:

45 a. "Discharge" means termination of an employee's  
46 employment for reasons other than the cessation of an  
47 employer's business operations or a general cutback in  
48 the employer's work force due to economic hardship.

49 b. "Employee" means an employee as defined in  
50 section 91A.2.

**Page 2**

1 c. "Employer" means an employer as defined in  
2 section 91A.2.

3 2. Unless modified by contract, an employer shall  
4 only discharge an employee for one or more of the  
5 following reasons:

6 a. The employee performs work assignments in a  
7 negligent manner.

8 b. The employee's continuous absences from the  
9 place of employment affect the interest of the  
10 employer.

11 c. The employee is incompetent or inefficient,  
12 thereby impairing the employee's usefulness to the  
13 employer.

14 d. The employee's use of intoxicants or controlled  
15 substances interferes with the proper discharge of the  
16 employee's duties, provided the employer complies with  
17 section 730.5.

18 e. The employee willfully and intentionally  
19 disobeys reasonable and lawful rules, orders, or  
20 instructions of the employer.

21 f. The employee is dishonest.

22 3. An employee who was discharged for a reason  
23 other than those stated in subsection 1 may file a  
24 written complaint with the labor commissioner within  
25 thirty days after discharge. The commissioner shall  
26 serve upon the employer a copy of the complaint  
27 stating the charges and a written notice of hearing  
28 before the commissioner which shall be held ten days  
29 after service of the complaint. The commissioner  
30 shall provide written notice of hearing to the  
31 employee filing the complaint. The employer may file  
32 an answer to the complaint. The employer and employee  
33 may give testimony at the hearing, and rules of

34 evidence prescribed by the commissioner shall apply.  
 35 The employer has the burden of proving that the  
 36 employee was not wrongfully discharged.

37 If the commissioner determines that the employer  
 38 wrongfully discharged the employee, the commissioner  
 39 shall state the findings, order the employer to  
 40 reinstate the employee with back pay, and award to the  
 41 employee reasonable attorney's fees and costs relating  
 42 to the administrative proceeding. If the commissioner  
 43 determines that the employer did not wrongfully  
 44 discharge the employee, the commissioner shall state  
 45 the findings and dismiss the complaint.

46 The commissioner's decision may be appealed by any  
 47 party to the employment appeal board created in  
 48 section 10A.601. The decision of the appeal board is  
 49 the final agency action and an appeal of the decision  
 50 shall be made directly to the district court.

**Page 3**

1 4. In addition to the remedies provided in  
 2 subsection 3, any wrongfully discharged employee may  
 3 bring a civil action for compensatory and punitive  
 4 damages against an employer who has violated this  
 5 section.

6 Sec. \_\_\_\_\_. **NEW SECTION. 91E.1 EMPLOYEE PARENTAL**  
 7 **LEAVE.**

8 1. For purposes of this section, unless the  
 9 context otherwise requires:

10 a. "Employee" means an employee as defined under  
 11 section 91A.2.

12 b. "Employer" means an employer as defined under  
 13 section 91A.2.

14 2. An employer shall make available to an employee  
 15 a parental leave of absence. An additional unpaid  
 16 leave of absence may be granted to an employee with  
 17 the approval of the employee's employer. The  
 18 provisions of collective bargaining agreements  
 19 negotiated under chapter 20 shall at least meet the  
 20 minimum standard for parental leave established under  
 21 this section. Parental leave, required by this  
 22 section, is subject to each of the following  
 23 conditions:

24 a. Parental leave shall be limited to a maximum of  
 25 sixteen weeks within any two-year period due to the  
 26 birth or adoption of a child by the employee.  
 27 Parental leave shall begin at a time requested by the  
 28 employee which cannot be later than six weeks  
 29 following the birth or adoption of a child.

30 b. Notwithstanding the requirement to commence  
 31 parental leave within six weeks of the birth or  
 32 adoption of a child in paragraph "a", an employee who

33 takes leave for a disability related to pregnancy as  
34 provided under section 601A.6 may commence a parental  
35 leave immediately following the termination of the  
36 disability leave. The length of parental leave which  
37 is required to be made available by this section to an  
38 employee is sixteen weeks, and includes any period of  
39 disability leave related to pregnancy following the  
40 birth of a child.

41 c. If accrued leave benefits are available to an  
42 employee, the employee may use a combination of  
43 accrued sick leave, accrued vacation leave, or unpaid  
44 leave of absence during a parental leave. For  
45 employees of the state, the department of personnel  
46 and the state board of regents shall adopt rules  
47 requiring the use of accrued sick leave and vacation  
48 leave during parental leaves; however, the rules shall  
49 allow an employee of the state to retain at least ten  
50 days of accrued sick leave and five days of accrued

**Page 4**

1 vacation leave.

2 d. At the end of the parental leave, the employee  
3 shall have the right to be returned to the employee's  
4 position from which the parental leave was provided if  
5 available or, if not available, to a position of like  
6 nature with the equivalent pay.

7 e. If both parents are permanent employees of an  
8 employer, unpaid parental leave shall be available to  
9 only one parent. Unless an employer provides  
10 otherwise, an employee shall not accrue sick leave or  
11 vacation leave during a period of unpaid parental  
12 leave.

13 f. If made available to an employee through the  
14 employee's employer, health insurance or benefits  
15 coverage shall continue to be available during a  
16 period of unpaid parental leave. For employees of the  
17 state, the state shall pay the state portion of the  
18 costs of the health insurance coverage during the  
19 period of unpaid parental leave.

20 Sec. \_\_\_\_\_. Section 96.5, subsection 4, Code 1989,  
21 is amended by adding the following new unnumbered  
22 paragraph:

23 NEW UNNUMBERED PARAGRAPH. A lockout is not a labor  
24 dispute.

25 Sec. \_\_\_\_\_. Section 246.903, Code 1989, is amended  
26 to read as follows:

27 246.903 AGREEMENT BY INMATE.

28 An inmate approved to participate in the work  
29 release program shall sign a work release agreement.  
30 The agreement shall include a statement that the  
31 inmate agrees to abide by all terms and conditions of

32 the particular plan adopted for the inmate by the  
 33 board of parole, shall state the name and address of  
 34 the proposed employer, if any, and contain terms and  
 35 conditions the board of parole deems necessary and  
 36 proper. The agreement shall contain a provision  
 37 prohibiting an inmate who is placed pursuant to  
 38 section 246.904 from accepting or engaging in  
 39 employment involved in a labor boycott or strike. The  
 40 plan shall be signed by the inmate prior to  
 41 participation in the program. Approval may be revoked  
 42 for any reason by a member of the board of parole at  
 43 any time after being granted.

44 Sec. \_\_\_\_\_. Section 356.28, Code 1989, is amended to  
 45 read as follows:

46 356.28 EMPLOYMENT — RESTRICTIONS.

47 The sheriff or any suitable person or agency  
 48 designated by the court may endeavor to secure  
 49 employment for unemployed prisoners granted privileges  
 50 under sections 356.26 to through 356.35. However, no

**Page 5**

1 prisoner shall accept or engage in any employment  
 2 involved in a labor boycott or strike.

3 Sec. \_\_\_\_\_. NEW SECTION. 517.7 WORKERS'  
 4 COMPENSATION PREMIUMS.

5 The insurance division of the department of  
 6 commerce shall adopt rules providing that a workers'  
 7 compensation insurance premium paid by an employer  
 8 shall consist of two parts, one part relating to  
 9 payment of medical costs based on hours worked and one  
 10 part relating to payment of all other workers'  
 11 compensation-related benefits based on payroll.

12 Sec. \_\_\_\_\_. Section 732.6, subsections 1 and 2, Code  
 13 1989, are amended to read as follows:

14 1. Unless directly involved in a labor dispute, to  
 15 knowingly recruit, procure, supply or refer for  
 16 employment in the place of employees involved in such  
 17 labor dispute any person or persons who customarily or  
 18 repeatedly offer themselves as replacements for  
 19 employees involved in labor disputes or who are  
 20 inmates participating in a work release program  
 21 pursuant to sections 246.901 through 246.909 or  
 22 granted leave privileges pursuant to sections 356.26  
 23 through 356.35.

24 2. If directly involved in a labor dispute, to  
 25 knowingly employ in place of employees involved in  
 26 such dispute persons who customarily or repeatedly  
 27 offer themselves as replacements for employees  
 28 involved in labor disputes or who are inmates  
 29 participating in a work release program pursuant to  
 30 sections 246.901 through 246.909 or granted leave

31 privileges pursuant to sections 356.26 through  
 32 356.35."

33 2. Title page, by striking lines 1 and 2 and  
 34 inserting the following: "An Act relating to  
 35 employment rights and benefits."

Sherzan of Polk rose on a point of order that amendment H—3129 was not germane.

The Speaker ruled the point well taken and amendment H—3129 not germane.

The House stood at ease at 11:03 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3123 to House File 5 at 11:36 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 5 be deferred and that the bill retain its place on the calendar.

(Amendment H—3123 pending.)

#### MOTIONS TO RECONSIDER (House File 178)

I move to reconsider the vote by which House File 178 passed the House on February 10, 1989.

FEY of Scott

(House File 178)

I move to reconsider the vote by which House File 178 passed the House on February 10, 1989.

HANSON of Delaware

#### PRESENTATION OF VISITORS

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

Thirty-five fifth grade students from Green Mountain School, Green Mountain, accompanied by Phyllis Rodgers, Raylene Gerber and Keith Krier. By Svoboda of Tama.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 222 Small Business and Commerce**

Relating to the regulation of long-term care insurance and providing an applicability date.

**H.S.B. 223 Human Resources**

Relating to human immunodeficiency virus-related testing and counseling, and eliminating certain penalties.

## SUBCOMMITTEE ASSIGNMENT

**House File 269**

Education: Adams, Chair; Haverland and Siegrist.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 217**

Education: Ollie, Chair; Daggett, Miller, Shultz and Wise.

## COMMITTEE RECOMMENDATION

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

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

## COMMITTEE ON EDUCATION

**Senate File 38**, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3126** February 9, 1989.

## AMENDMENTS FILED

H—3126	S.F.	38	Committee on Education
H—3127	H.R.	7	Connors of Polk Shultz of Black Hawk
H—3128	H.F.	5	Lundby of Linn
H—3130	H.F.	5	Tyrrell of Iowa
H—3131	H.F.	5	Corbett of Linn
H—3132	H.F.	5	Tyrrell of Iowa
H—3133	H.F.	5	Stromer of Hancock
H—3135	H.F.	5	Sherzan of Polk Connors of Polk Svoboda of Tama Wise of Lee Shultz of Black Hawk
H—3136	H.F.	5	Lundby of Linn

H-3137	H.F.	5	Lundby of Linn
H-3138	H.F.	5	Lundby of Linn
H-3139	H.F.	255	Carpenter of Polk

On motion by Arnould of Scott, the House adjourned at 11:37 a.m., until 10:00 a.m., Monday, February 13, 1989.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day — Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 13, 1989

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

Prayer was offered by the Honorable Ron J. Corbett, state representative from Linn County.

The Journal of Friday, February 10, 1989.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Nielsen of Linn on request of Lykam of Scott; Wise of Lee on request of Dvorsky of Johnson; Maulsby of Calhoun on request of Stromer of Hancock; Banks of Plymouth on request of De Groot of Lyon; Fey of Scott and Svoboda of Tama on request of Peterson of Carroll; Hanson of Delaware on request of Renken of Grundy, all until their arrival.

## INTRODUCTION OF BILLS

**House File 292**, by committee on state government, a bill for an act relating to increasing license fees for certain persons engaged in the commercial care of animals.

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

**House File 293**, by committee on state government, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs.

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

**House File 294**, by Maulsby, a bill for an act relating to making appropriations to the department of corrections.

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

**House File 295**, by Rosenberg and Hammond, a bill for an act to provide for payment of actual costs of educational services provided by a school district for children of the district who live in certain shelter care and juvenile detention homes.

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

**House File 296**, by Haverland, a bill for an act relating to the liability of a municipality for prejudgment interest.

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

**House File 297**, by Svoboda, a bill for an act providing for the registration of bicycles, establishing a registration fee, mandating county treasurers to register bicycles, creating the bicycle trail fund, providing an appropriation, providing a penalty, and providing effective dates.

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

**House File 298**, by Hansen of Woodbury, a bill for an act appropriating lottery funds for the construction of a new medium security correctional facility and providing an effective date.

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

**House File 299**, by Gruhn, a bill for an act relating to the responsibility of a participant in, and the owner or holder of property used for, a recreational activity.

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

**House File 300**, by Maulsby, a bill for an act allowing members of an ambulance or rescue service who are emergency medical technicians to use blue flashing lights on their privately owned motor vehicles and making penalties applicable.

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

**House File 301**, by committee on state government, a bill for an act relating to the rulemaking authority of the labor commissioner.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 96**, by committee on state government, a bill for an act extending the existence of the Iowa health data commission, prohibiting contracting in cases of conflicts of interest, and providing requirements regarding the installation of computerized severity of illness system.

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

**Senate File 150**, by committee on state government, a bill for an act relating to certain drugs used and activities of the racing commission veterinarian with respect to pari-mutuel horse racing and providing an effective date.

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

### SPECIAL PRESENTATION

Plasier of Sioux presented to the House Mr. Alexander Khomenko, his wife, Olga and daughter, Xenia of the Soviet Union. Mr. Khomenko teaches in the Russian Language Section of the Union of Friendship Societies and his wife has also taught Russian to foreign students in Moscow. They are visiting colleges, universities and classrooms in our country.

The House rose and expressed its welcome.

### QUORUM CALL

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

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 146**, a bill for an act relating to the county commission of veteran affairs, with report of committee recommending amendment and passage was taken up for consideration.

Brown of Lucas offered the following amendment H—3088 filed by the committee on local government and moved its adoption:

H—3088

- 1 Amend House File 146 as follows:
- 2 1. Page 1, line 27, by striking the word "daily"
- 3 and inserting the following: "each work day".

The committee amendment H—3088 was adopted.

Brown 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. 146)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr

Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hibbard	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Mr. Speaker	
		Avenson	

The nays were, 9:

Carpenter	Doderer	Hester	Holveck
Metcalf	Neuhauser	Osterberg	Plasier
Shoultz			

Absent or not voting, 8:

Banks	Black	Halvorson, R. N.	Hanson, D. R.
Maulsby	Nielsen	Svoboda	Wise

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

**House File 149**, a bill for an act relating to the time of collection of the fee for a marriage license by the clerk of the district court, with report of committee recommending passage 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. 149)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Mr. Speaker Avenson

The nays were, 1:

McKean

Absent or not voting, 7:

Banks	Black	Hanson, D. R.	Maulsby
Nielsen	Svoboda	Wise	

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 5**, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits, and amendment H—3123, found on pages 385 and 386 of the House Journal, deferred February 10, 1989.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—3123.

Corbett of Linn offered the following amendment H—3125 filed by him:

H—3125

- 1 Amend House File 5 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 85.27, unnumbered paragraph 4,
- 5 Code 1989, is amended to read as follows:
- 6 For purposes of this section, the employer is
- 7 ~~obliged to shall~~ furnish reasonable services and
- 8 supplies to treat an injured employee, and ~~has the~~
- 9 ~~right to the~~ employee may choose the care. The
- 10 ~~treatment must be offered promptly and be reasonably~~

11 suited to treat the injury without undue inconvenience  
 12 to the employee. If the employee employer has reason  
 13 to be dissatisfied with the care offered given, the  
 14 employee should employer shall communicate in writing  
 15 the basis of such the dissatisfaction to the employer,  
 16 in writing if requested employee, following which the  
 17 employer and the employee may agree to alternate care  
 18 reasonably suited to treat the injury. If the  
 19 employer and employee cannot agree on such alternate  
 20 care, the industrial commissioner may, upon  
 21 application and reasonable proofs of the necessity  
 22 therefor for other care, allow and order other care.  
 23 In an emergency, the employee may choose the  
 24 employee's care at the employer's expense, provided  
 25 the employer or the employer's agent cannot be reached  
 26 immediately.

27 If the industrial commissioner disapproves a claim  
 28 or a portion of a claim for benefits under this  
 29 section because it did not meet the reasonable or  
 30 necessary standards of this section, the employee  
 31 shall reimburse the employer for the cost or the  
 32 portion of the cost of the care which did not meet the  
 33 reasonable or necessary standards.

34 Sec. 2. Section 246.903, Code 1989, is amended to  
 35 read as follows:

36 246.903 AGREEMENT BY INMATE.

37 An inmate approved to participate in the work  
 38 release program shall sign a work release agreement.  
 39 The agreement shall include a statement that the  
 40 inmate agrees to abide by all terms and conditions of  
 41 the particular plan adopted for the inmate by the  
 42 board of parole, shall state the name and address of  
 43 the proposed employer, if any, and contain terms and  
 44 conditions the board of parole deems necessary and  
 45 proper. The agreement shall contain a provision  
 46 prohibiting an inmate who is placed pursuant to  
 47 section 246.904 from accepting or engaging in  
 48 employment involved in a labor boycott or strike. The  
 49 plan shall be signed by the inmate prior to  
 50 participation in the program. Approval may be revoked

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1 for any reason by a member of the board of parole at  
 2 any time after being granted.

3 Sec. 3. Section 356.28, Code 1989, is amended to  
 4 read as follows:

5 356.28 EMPLOYMENT - RESTRICTIONS.

6 The sheriff or any suitable person or agency  
 7 designated by the court may endeavor to secure  
 8 employment for unemployed prisoners granted privileges  
 9 under sections 356.26 ~~to~~ through 356.35. However, no

10 prisoner shall accept or engage in any employment  
 11 involved in a labor boycott or strike.

12 Sec. 4. Section 732.6, subsections 1 and 2, Code  
 13 1989, are amended to read as follows:

14 1. Unless directly involved in a labor dispute, to  
 15 knowingly recruit, procure, supply or refer for  
 16 employment in the place of employees involved in such  
 17 labor dispute any person or persons who customarily or  
 18 repeatedly offer themselves as replacements for  
 19 employees involved in labor disputes or who are  
 20 inmates participating in a work release program  
 21 pursuant to sections 246.901 through 246.909 or  
 22 granted leave privileges pursuant to sections 356.26  
 23 through 356.35.

24 2. If directly involved in a labor dispute, to  
 25 knowingly employ in place of employees involved in  
 26 such dispute persons who customarily or repeatedly  
 27 offer themselves as replacements for employees  
 28 involved in labor disputes or who are inmates  
 29 participating in a work release program pursuant to  
 30 sections 246.901 through 246.909 or granted leave  
 31 privileges pursuant to sections 356.26 through  
 32 356.35."

33 2. Title page, by striking lines 1 and 2 and  
 34 inserting the following: "An Act relating to  
 35 employer-employee rights and benefits."

Stromer of Hancock offered the following amendment H—3133,  
 to amendment H—3125, filed by him:

H—3133

1 Amend amendment, H—3125, to House File 5 as  
 2 follows:

3 1. By striking page 1, line 4 through page 2,  
 4 line 35 and inserting the following:

5 "Section 1. Section 85.27, unnumbered paragraph  
 6 4, Code 1989, is amended to read as follows:

7 For purposes of this section, the employer is  
 8 ~~obliged to shall~~ furnish reasonable services and  
 9 supplies to treat an injured employee, and has the  
 10 ~~right to the employee may~~ choose the care. The  
 11 ~~treatment must be offered promptly and be reasonably~~  
 12 ~~suited to treat the injury without undue inconvenience~~  
 13 ~~to the employee.~~ If the ~~employee employer~~ has reason  
 14 to be dissatisfied with the care ~~offered given~~, the  
 15 ~~employee should employer shall~~ communicate in writing  
 16 the basis of ~~such the~~ dissatisfaction to the ~~employer,~~  
 17 in writing if requested employee, following which the  
 18 employer and the employee may agree to alternate care  
 19 reasonably suited to treat the injury. If the  
 20 employer and employee cannot agree on ~~such~~ alternate

21 care, the industrial commissioner may, upon  
22 application and reasonable proofs of the necessity  
23 ~~therefor for other care, allow and order other care.~~  
24 ~~In an emergency, the employee may choose the~~  
25 ~~employee's care at the employer's expense, provided~~  
26 ~~the employer or the employer's agent cannot be reached~~  
27 ~~immediately.~~

28 If the industrial commissioner disapproves a claim  
29 or a portion of a claim for benefits under this  
30 section because it did not meet the reasonable or  
31 necessary standards of this section, the employee  
32 shall reimburse the employer for the cost or the  
33 portion of the cost of the care which did not meet the  
34 reasonable or necessary standards.

35 Sec. 2. NEW SECTION. 147B.1 SHORT TITLE.

36 This Act shall be known as the "Iowa Patient  
37 Compensation Fund Act".

38 Sec. 3. NEW SECTION. 147B.2 PUBLIC POLICY.

39 It is the policy of this state to assure the avail-  
40 ability of quality medical and hospital services to  
41 the citizens of Iowa, and to effectuate that policy it  
42 is essential to assure the availability of medical  
43 liability insurance so that competent physicians will  
44 enter into and remain in the practice of medicine in  
45 this state. This chapter shall be construed to carry  
46 out this policy.

47 Sec. 4. NEW SECTION. 147B.3 DEFINITIONS.

48 As used in this chapter, unless the context  
49 requires otherwise:

50 1. "Administrator" means the patient compensation

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1 fund administrator.

2 2. "Commissioner" means the commissioner of  
3 insurance.

4 3. "Fund" means the patient compensation fund.

5 4. "Health care practitioner" means a health care  
6 provider other than a hospital.

7 5. "Health care provider" means a physician and  
8 surgeon licensed pursuant to chapter 148; an osteopath  
9 licensed pursuant to chapter 150; an osteopathic  
10 physician and surgeon licensed pursuant to chapter  
11 150A; a dentist licensed pursuant to chapter 153; an  
12 association, partnership, or professional corporation  
13 composed of or owned by such persons; a hospital and  
14 an employee of such person, association, partnership,  
15 professional corporation, or hospital.

16 6. "Hospital" means a hospital licensed pursuant  
17 to chapter 135B.

18 7. "Medical malpractice" means acts or omissions  
19 of a health care practitioner in the practice of the

20 practitioner's profession or occupation or acts or  
 21 omissions of a hospital in patient treatment or care,  
 22 including but not limited to negligence, failure to  
 23 provide care, breach of contract relating to providing  
 24 care, or claim based upon failure to obtain informed  
 25 consent for an operation or treatment.

26 Sec. 5. NEW SECTION. 147B.4 QUALIFIED PROVIDER.

27 1. A health care practitioner is qualified to  
 28 participate under this chapter if the health care  
 29 practitioner does all of the following:

30 a. Files with the commissioner proof that the  
 31 health care practitioner is insured with an insurance  
 32 company admitted to this state under a policy of  
 33 medical liability insurance providing the following  
 34 coverage for medical malpractice:

35 (1) Coverage pursuant to subparagraph part (a) or  
 36 (b) per occurrence in an amount of one hundred percent  
 37 for all sums required to be paid up to and including  
 38 one hundred thousand dollars and ten percent of all  
 39 sums required to be paid in excess of one hundred  
 40 thousand dollars but not exceeding one million  
 41 dollars:

42 (a) Under a claims-made form of medical  
 43 malpractice insurance for each claim made during the  
 44 term of the policy.

45 (b) Under an occurrence form of medical  
 46 malpractice insurance for each claim arising out of an  
 47 occurrence during the policy period.

48 (2) Coverage pursuant to subparagraph part (a) or  
 49 (b) in the aggregate of five hundred seventy thousand  
 50 dollars for all occurrences:

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1 (a) Under a claims-made form of medical  
 2 malpractice liability insurance for all claims made  
 3 during the term of the policy.

4 (b) Under an occurrence form of medical  
 5 malpractice insurance for all claims arising out of  
 6 all occurrences during the policy period.

7 b. Pays a surcharge or special surcharge levied on  
 8 health care practitioners pursuant to section 147B.6,  
 9 subsection 2, or section 147B.9.

10 c. Agrees to treat victims of medical negligence  
 11 for injuries resulting from such negligent acts at the  
 12 current rate paid in this state pursuant to Title XIX  
 13 of the federal Social Security Act.

14 2. A hospital is qualified to participate under  
 15 this chapter if the hospital does both of the  
 16 following:

17 a. Files with the commissioner proof that the  
 18 hospital is insured with an insurance company admitted

19 to this state under a policy of medical liability  
20 insurance providing the following coverage for medical  
21 malpractice:  
22 (1) Coverage pursuant to subparagraph part (a) or  
23 (b) per occurrence in an amount of one hundred percent  
24 for all sums required to be paid up to and including  
25 one hundred thousand dollars and ten percent of all  
26 sums required to be paid in excess of one hundred  
27 thousand dollars but not exceeding one million  
28 dollars:  
29 (a) Under a claims-made form of medical  
30 malpractice insurance for each claim made during the  
31 term of the policy.  
32 (b) Under an occurrence form of medical  
33 malpractice insurance for each claim arising out of an  
34 occurrence during the policy period.  
35 (2) Coverage pursuant to subparagraph part (a) or  
36 (b) in the aggregate of one million dollars for all  
37 occurrences:  
38 (a) Under a claims-made form of medical  
39 malpractice liability insurance for all claims made  
40 during the term of the policy.  
41 (b) Under an occurrence form of medical  
42 malpractice insurance for all claims arising out of  
43 all occurrences during the policy period.  
44 b. Pays a surcharge or special surcharge levied on  
45 hospitals pursuant to section 147B.6, subsection 2, or  
46 section 147B.9.  
47 3. Coverage required under subsections 1 and 2  
48 shall be adjusted in the same manner as provided in  
49 section 147B.8, subsection 3.  
50 4. The commissioner may permit qualification of a

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1 health care practitioner who has retired or ceased  
2 practicing in this state, if the health care  
3 practitioner files proof of insurance and pays any  
4 surcharge or special surcharge levied as required in  
5 subsection 1.  
6 5. A health care provider may qualify to  
7 participate under this chapter with respect to all  
8 medical malpractice claims made subsequent to the  
9 health care provider's qualification. A health care  
10 provider is not eligible to qualify under this chapter  
11 with respect to a medical malpractice claim made prior  
12 to the time of the health care provider's  
13 qualification.  
14 6. If at any time prior to the health care  
15 provider's qualification under this section the health  
16 care provider was insured under an occurrence form of  
17 policy of medical liability insurance for all

18 occurrences during the term of that policy, for an  
19 occurrence of alleged medical malpractice occurring  
20 during the time that policy was in effect, this  
21 chapter applies only to claims for alleged medical  
22 malpractice covered under the occurrence policy to the  
23 extent the judgment or settlement exceeds the limits  
24 of that policy.

25 Sec. 6. NEW SECTION. 147B.5 PATIENT ELECTION TO  
26 BE BOUND.

27 1. This chapter applies to all occurrences of  
28 alleged medical malpractice occurring prior to the  
29 effective date of this Act for which a medical  
30 malpractice claim has not been made unless the patient  
31 elects not to be bound under this chapter for the  
32 prior occurrence. A patient may elect not to be bound  
33 under this chapter with respect to an occurrence of  
34 alleged medical malpractice occurring prior to the  
35 effective date of this Act by filing an election with  
36 the commissioner and providing notice to any health  
37 care provider alleged to be liable for the occurrence  
38 within one hundred eighty days of the effective date  
39 of this Act according to rules adopted by the  
40 commissioner. Failure to provide the required notice  
41 is deemed to be evidence of the patient's election to  
42 be bound by this chapter for a prior occurrence.

43 2. A patient's exclusive remedy against a health  
44 care provider qualifying under section 147B.4 for  
45 medical malpractice occurring after the effective date  
46 of this Act is the remedy provided for under this  
47 chapter unless the patient has elected not to be bound  
48 by the remedies provided for in this chapter. A  
49 patient may elect not to be bound under this chapter  
50 by filing an election with the commissioner, pursuant

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1 to rules adopted by the commissioner, in advance of  
2 the treatment, act, or omission upon which a claim may  
3 be based, and notifying the health care provider of  
4 the election within a reasonable time before any  
5 treatment begins. Failure to provide the required  
6 notice is deemed to be evidence of the patient's  
7 election to be bound by this chapter. An election by  
8 a patient not to be bound by this chapter is effective  
9 for a period of two years after filing unless the  
10 election is withdrawn. The patient may withdraw the  
11 election in writing at any time by filing the  
12 withdrawal with the commissioner.

13 3. A qualified health care provider must provide a  
14 patient with notice that the health care provider is  
15 qualified under this chapter prior to any treatment,  
16 and must inform the patient of the patient's right to

17 elect not to be bound by this chapter.

18 Sec. 7. NEW SECTION. 147B.6 PATIENT COMPENSATION  
19 FUND.

20 1. A patient compensation fund is created for the  
21 purposes stated in this chapter. The fund and income  
22 from the fund shall be deposited with the treasurer of  
23 state to be used for the payment of qualifying claims  
24 under this chapter, and the fund is appropriated for  
25 that purpose. The fund shall not be used for purposes  
26 other than those of this chapter. Appropriations from  
27 the fund are not subject to reversion under section  
28 8.33.

29 2. An annual surcharge shall be levied on all  
30 qualified health care providers. The surcharge for a  
31 health care provider is determined by the commissioner  
32 subject to the following limitations:

33 a. The annual surcharge shall not exceed fifty  
34 percent of the annual premium paid by the health care  
35 provider for maintenance of current medical liability  
36 insurance as provided in section 147B.4, including the  
37 cost of reinsurance under section 147B.12.

38 b. The charge shall not exceed the amount  
39 necessary to maintain the fund in an amount determined  
40 by the commissioner to be actuarially adequate.

41 3. The surcharge due under this section is due and  
42 payable within thirty days after the surcharge has  
43 been levied on the qualified health care provider.

44 4. If the annual surcharge under this section is  
45 not paid within the time specified in subsection 3,  
46 the qualification of the health care provider shall be  
47 suspended until the annual surcharge is paid. The  
48 suspension is not effective as to patients claiming  
49 against the health care provider unless, at least  
50 thirty days before the effective date of the

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1 suspension, a written notice giving the date upon  
2 which the suspension becomes effective has been  
3 provided by the commissioner to the health care  
4 provider and notice of the suspension has been given  
5 to a patient prior to any treatment.

6 5. All actual expenses of collecting, protecting,  
7 and administering the fund shall be paid from the  
8 fund, including necessary costs of outside legal  
9 counsel. The attorney general is not responsible for  
10 legal defense of the fund.

11 Sec. 8. NEW SECTION. 147B.7 LIABILITY OF FUND.

12 Subject to section 147B.4, subsection 6, the fund  
13 is liable on a following form basis for all sums  
14 required to be paid in excess of the coverage provided  
15 by the health care provider's medical liability

16 insurance specified in section 147B.4, subsection 1 or  
17 2, in a medical malpractice action against a health  
18 care provider qualified to participate under this  
19 chapter by a patient who has elected to be bound under  
20 this chapter with respect to an occurrence within the  
21 state of Iowa to which this chapter applies, except as  
22 provided in section 147B.8. In no event shall the  
23 fund be liable with respect to an occurrence to which  
24 this chapter applies for more than ninety percent of  
25 nine hundred thousand dollars of all sums required to  
26 be paid in excess of one hundred thousand dollars.

27 Sec. 9. NEW SECTION. 147B.8 LIMITATION ON  
28 RECOVERY.

29 1. Except as provided in subsection 3, the total  
30 amount recoverable from all liable health care  
31 providers and the fund for an occurrence to which this  
32 chapter applies resulting in an injury or death of a  
33 patient arising out of medical malpractice shall not  
34 exceed one million dollars.

35 2. Except as provided in subsection 3, a health  
36 care provider qualified under this chapter is not  
37 liable to a patient who has elected to be covered by  
38 this chapter for an amount in excess of one hundred  
39 thousand dollars plus ten percent of all sums required  
40 to be paid in excess of one hundred thousand dollars  
41 but not exceeding one million dollars for all claims  
42 or causes of action for medical malpractice arising  
43 from an occurrence to which this chapter applies.  
44 Subject to limits in this section, an amount due from  
45 a judgment or settlement which is in excess of the  
46 liability of all liable health care providers shall be  
47 paid from the fund pursuant to section 147B.6.

48 3. a. The commissioner shall determine on or  
49 after July 1 but on or before December 31 of each year  
50 an amount by which the total amount recoverable under

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1 subsection 1 and an amount by which the maximum  
2 liability of a health care provider under subsection 2  
3 are adjusted for the calendar year beginning eighteen  
4 months after the July 1 date on which the adjusted  
5 amounts can first be determined. The amount of the  
6 adjustment is equal to the product of the amount  
7 determined for the previous calendar year and the  
8 percentage rate of change in the consumer price index  
9 for goods and services published by the United States  
10 department of labor for the fiscal year ending on June  
11 30 immediately preceding the July 1 date on which the  
12 adjusted amounts can first be determined. However, if  
13 the percentage rate of change in the consumer price  
14 index is less than five percent, adjustments shall not

15 be made under this paragraph.

16 b. If adjustments are not made under paragraph "a"  
17 for one or more years, the commissioner shall  
18 determine a cumulative percentage rate of change and  
19 when that cumulative percentage rate of change is five  
20 percent or greater the commissioner shall determine  
21 the adjusted amounts for the next rate adjustment  
22 year.

23 c. The commissioner shall publish on or before  
24 December 31 preceding the next rate adjustment year  
25 any adjusted amounts which will apply to the next rate  
26 adjustment year.

27 4. If a judgment has been entered for an injured  
28 person, as defined in section 147B.10, which exceeds  
29 the amount recoverable as determined under this sec-  
30 tion, the injured person may file a claim pursuant to  
31 chapter 25 for the amount in excess of the amount  
32 recoverable.

33 Sec. 10. NEW SECTION. 147B.9 SPECIAL SURCHARGE.

34 The commissioner may, at any time, analyze the fund  
35 to determine if the amount in the fund is inadequate  
36 to pay in full all claims allowed or to be allowed  
37 during the calendar year. If the fund is determined  
38 to be inadequate, the commissioner may levy a special  
39 surcharge on all health care providers who have  
40 qualified under this chapter on the date of the  
41 special surcharge or at any time during the preceding  
42 twelve months and the special surcharge shall be in an  
43 amount proportionate to the surcharge each health care  
44 provider has paid to the fund. The special surcharge  
45 shall be an amount sufficient to permit full payment  
46 of all claims allowed against the fund during a  
47 calendar year, but shall not exceed fifty percent of  
48 the annual premium paid by the health care provider  
49 for maintenance of current medical liability insurance  
50 as provided in section 147B.4. The special surcharge

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1 shall be levied against all health care providers who  
2 have qualified under this chapter. The special sur-  
3 charge is due and payable within thirty days after the  
4 special surcharge is levied.

5 If the special surcharge under this section is not  
6 paid within the time specified, the qualification of  
7 the health care provider shall be suspended until the  
8 special surcharge is paid. The suspension is not  
9 effective as to patients claiming against the health  
10 care provider unless, at least thirty days before the  
11 effective date of the suspension, a written notice  
12 giving the date upon which the suspension becomes  
13 effective has been provided by the commissioner to the

14 health care provider and notice of the suspension has  
15 been given to a patient prior to any treatment.

16 Sec. 11. NEW SECTION. 147B.9A EVIDENCE OF  
17 ADVANCE PAYMENT NOT CONSTRUED AS ADMISSION TO  
18 LIABILITY.

19 A payment made by a health care provider or the  
20 health care provider's insurer to or for the patient  
21 or any other person on the patient's behalf in advance  
22 of a final determination of liability shall not be  
23 construed as an admission of liability for injuries or  
24 damages suffered in an action brought pursuant to this  
25 chapter. In the event of any advance payment, the  
26 court shall reduce the judgment to the plaintiff by an  
27 amount of the advance payment. If the advance payment  
28 exceeds the liability of the defendant, the court  
29 shall order any adjustment necessary to equalize the  
30 amount under which each defendant is obligated to pay  
31 but in no case shall an advance in excess of the  
32 amount found to be due be repayable to the health care  
33 provider making the advance.

34 Sec. 12. NEW SECTION. 147B.10 STRUCTURED  
35 JUDGMENTS.

36 1. As used in this section, unless the context  
37 requires otherwise:

38 a. "Future injuries" means all legal harm relating  
39 to an injury which the trier of fact determines will  
40 be incurred by the injured party subsequent to the  
41 entry of judgment.

42 b. "Injured person" means the person during whose  
43 medical treatment or care the acts or omissions of  
44 medical malpractice are determined to have occurred.

45 c. "Injured party" means a party plaintiff to a  
46 medical malpractice action, and includes the injured  
47 person if that person is a party to the action.

48 d. "Injury" means a legal harm for which damages  
49 are recoverable in an action arising under this  
50 chapter.

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1 2. In a medical malpractice action against a  
2 health care provider arising under this chapter, the  
3 verdict shall be itemized to distribute the monetary  
4 damages, if any, between past loss and future loss.  
5 In a trial to the court, the court shall itemize its  
6 findings in accordance with this section.

7 3. The court, in a medical malpractice action  
8 arising under this chapter in which a damage award for  
9 future injuries to a party exceeds one hundred  
10 thousand dollars, shall enter a judgment ordering the  
11 award to the party to be paid in periodic payments,  
12 subject to the limitations contained in this section.

13 The court shall make a specified finding as to the  
14 dollar amount of regular payments which will be  
15 required to compensate the party periodically for loss  
16 of future income and future noneconomic harm, based  
17 upon the life expectancy of the party and the damages  
18 awarded. The periodic payments shall reflect interest  
19 in accordance with annuity principles. The judgment  
20 shall specify the recipient of the periodic payments,  
21 the dollar amount of each payment, the interval  
22 between payments, and the number of payments required  
23 to be made. The judgment shall specify the amount of  
24 and the purposes for which the balance of the judgment  
25 awarded for the future care and treatment of the party  
26 may be used.

27 4. Attorney fees of the party receiving an award,  
28 if payable out of the judgment, shall be assessed by  
29 the court and applied pro rata against amounts awarded  
30 for past injuries and for future injuries. The amount  
31 determined by the court to be payable out of damages  
32 for future injuries shall be deducted by the court  
33 from the amount to be ordered paid as provided in this  
34 subsection, and shall be deducted pro rata from those  
35 amounts awarded, if any, for loss of future income,  
36 future expenses for care and treatment, and future  
37 noneconomic harm. The amount of attorney fees  
38 attributable to the award for future injuries shall be  
39 payable upon entry of judgment.

40 5. If a judgment has been entered ordering  
41 periodic payments pursuant to this section, the health  
42 care provider's insurer shall pay to the fund the  
43 amount for which the insurer is liable under this  
44 chapter, after apportionment of costs of defense, for  
45 distribution by the fund to the party receiving the  
46 award.

47 6. If a judgment has been entered ordering  
48 periodic payments pursuant to this section, the fund  
49 shall make the payments as ordered or, alternatively,  
50 the fund may purchase an annuity from an insurance

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1 company admitted to Iowa sufficient to make the  
2 periodic payments.

3 7. If the party receiving the award dies, amounts  
4 to be paid for loss of future income are payable to  
5 those persons to whom the party receiving the award  
6 owed a duty of support. If the party receiving the  
7 award dies prior to payment of the amounts for other  
8 than loss of future income, the judgment is satisfied  
9 upon the payment of all obligations incurred up to the  
10 time of death and of the expenses of final illness and  
11 reasonable burial expenses.

12 8. Except with respect to amounts representing  
13 loss of future income, a judgment for future injuries  
14 is a contingent award, and the right to payment vests  
15 only at such times and in such amounts as accrue  
16 pursuant to the order specifying the amount of  
17 periodic payments and the interval of those payments.

18 9. The district court shall retain jurisdiction of  
19 a medical malpractice action in which the judgment in  
20 the action orders periodic payments, and upon the  
21 death of the party receiving the award in the case of  
22 an award for loss of future income, the dependents of  
23 the decedent or any other interested party to the  
24 action or a representative of an interested party, may  
25 petition the court for a modification of the judgment  
26 for a redesignation of the recipient of the payments,  
27 in accordance with the rights of persons established  
28 by this section. Unless otherwise ordered, the  
29 redesignated recipients of payments for loss of future  
30 income shall be paid in those amounts and at those  
31 intervals specified in the original judgment.  
32 Payments shall continue until the remaining amounts  
33 designated for that purpose have been paid, or until  
34 the death of those dependents, whichever occurs first.  
35 If the last surviving dependent dies prior to  
36 depletion of the amount specified for loss of future  
37 income, the judgment is deemed satisfied upon payment  
38 of amounts accrued up to the time of death.

39 Sec. 13. NEW SECTION. 147B.11 COSTS OF DEFENSE.

40 1. The fund may employ the services of outside  
41 legal counsel to defend the fund against claims and to  
42 assist the health care provider's insurer in defending  
43 the claim.

44 2. The fund may by agreement with the health care  
45 provider's insurer, allow the health care provider's  
46 insurer to provide a defense for a claim against the  
47 health care provider and the fund. The fund and the  
48 health care provider's insurer may agree to any  
49 apportionment of the costs of defense.

50 Sec. 14. NEW SECTION. 147B.12 REINSURANCE.

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1 The commissioner may cause all or any part of the  
2 potential liability of the fund to be reinsured, if  
3 reinsurance is available on a fair and reasonable  
4 basis. The cost of the reinsurance shall be paid by  
5 the fund and the fact of the reinsurance shall be  
6 taken into account in determining the surcharge under  
7 section 147B.6, subsection 2, or the special surcharge  
8 under section 147B.9.

9 Sec. 15. NEW SECTION. 147B.13 NOTICE --  
10 APPLICATION FEE.

11 1. Prior to consideration for coverage pursuant to  
12 this chapter, a health care provider shall first give  
13 notice to the commissioner of the provider's intention  
14 to apply for coverage. The notice of intention shall  
15 be accompanied by a one-time application fee of fifty  
16 dollars for health care providers and five hundred  
17 dollars for hospitals.

18 2. Funds received by the commissioner pursuant to  
19 subsection 1 shall only be expended for purposes of  
20 payment of the reasonable expenses incurred or to be  
21 incurred in the implementation of this chapter.

22 3. To the extent that funds received pursuant to  
23 subsection 1 are in excess of the expenses of  
24 implementation of this chapter, the commissioner shall  
25 transfer such excess funds to the fund.

26 4. Notice and application fees received subsequent  
27 to the implementation of this chapter shall be placed  
28 in the fund upon receipt.

29 Sec. 16. NEW SECTION. 147B.14 PATIENT  
30 COMPENSATION FUND ADMINISTRATOR.

31 The commissioner may appoint an administrator to  
32 perform all duties and responsibilities pursuant to  
33 this chapter. The administrator shall serve as  
34 administrator at the pleasure of the commissioner.  
35 The salary and expenses of the administrator shall be  
36 paid from the fund.

37 Sec. 17. NEW SECTION. 147B.15 ADMINISTRATION.

38 The commissioner shall either provide staff  
39 services necessary for the operation of this chapter  
40 or may contract with an insurance company licensed to  
41 do business in this state, or both, to perform any  
42 administrative duties and responsibilities of the  
43 commissioner pursuant to this chapter. The  
44 commissioner shall retain supervisory control over all  
45 matters for which a contract is entered into. All  
46 reasonable costs and charges incurred in the  
47 administration of this chapter shall be paid from the  
48 fund.

49 The administrator and all persons employed or  
50 contracted with to provide staff services necessary

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1 for the operation of this chapter shall not be  
2 considered employees of the state except for purposes  
3 of chapter 25A.

4 Sec. 18. NEW SECTION. 147B.16 RECIPROCITY.

5 The commissioner may enter into reciprocity  
6 agreements with the authorized representatives of any  
7 jurisdiction to allow health care providers from that  
8 jurisdiction to become qualified health care providers  
9 for purposes of the fund and to the extent that a

10 claim against the health care provider arises in this  
11 state.

12 An agreement shall only be entered into with a  
13 jurisdiction to the same extent as the other  
14 jurisdiction allows Iowa health care providers to  
15 participate in a similar program in the other  
16 jurisdiction. The agreement shall include any  
17 conditions, restrictions, and privileges the  
18 commissioner deems necessary.

19 Sec. 19. NEW SECTION. 147B.17 ANNUAL REPORT.

20 The commissioner shall, pursuant to rules issued by  
21 the commissioner, on or before the first day of  
22 February of each year, provide to the chairs, vice  
23 chairs, and ranking members of the senate standing  
24 committees on judiciary and commerce, and the house of  
25 representatives standing committees on judiciary and  
26 law enforcement, and small business and commerce, a  
27 report regarding claims filed against the fund and  
28 claims closed involving the fund for the previous  
29 calendar year. The report shall contain to the extent  
30 the information is available the following  
31 information:

- 32 1. Parties to the claims.
- 33 2. Cause or causes of action.
- 34 3. Amounts reserved or paid per claim, including  
35 the present value for structured settlements or  
36 awards.
- 37 4. Legal fees, expert witness fees, court costs,  
38 or other associated costs of judgments or decrees per  
39 claim.
- 40 5. Other claims information as deemed necessary by  
41 the commissioner.
- 42 6. The report shall be a public record.

43 Sec. 20. NEW SECTION. 147B.18 REPORT TO HEALTH  
44 DATA COMMISSION.

45 It is the intent and expectation of the general  
46 assembly that health care providers will pass on to  
47 patients, third-party payors, and self-insurers,  
48 savings realized by the health care providers  
49 resulting from this Act. The health data commission  
50 shall analyze the physician billing information

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1 collected pursuant to section 145.3, subsection 3,  
2 paragraph "h", to determine whether the savings  
3 resulting from this Act are being passed on. The  
4 health data commission shall report its findings to  
5 the general assembly by July 1, 1989.

6 Sec. 21. NEW SECTION. 147B.19 RULES.

7 The commissioner shall establish rules relating to  
8 the administration of this chapter as deemed necessary

9 by the commissioner to promote the efficient operation  
10 of this chapter in accordance with its terms and  
11 intent.

12 Sec. 22. Section 25.1, Code 1989, is amended to  
13 read as follows:

14 25.1 RECEIPT, INVESTIGATION, AND REPORT.

15 When a claim is filed or made against the state, on  
16 which in the judgment of the director of management  
17 the state would be liable except for the fact of its  
18 sovereignty or which has no appropriation available  
19 for its payment, the director of management shall  
20 deliver said claim to the state appeal board. The  
21 state appeal board shall make a record of the receipt  
22 of said claim and forthwith deliver same to the  
23 special assistant attorney general for claims who  
24 shall, with a view to determining the merits and  
25 legality thereof, fully investigate said claim,  
26 including the facts upon which it is based and report  
27 in duplicate findings and conclusions of law to the  
28 state appeal board. Notwithstanding this section, any  
29 claim made for an amount recoverable pursuant to  
30 section 147B.8, subsection 4, shall be delivered  
31 directly to the state appeal board.

32 Sec. 23. Section 25.2, Code 1989, is amended to  
33 read as follows:

34 25.2 EXAMINATION OF REPORT — APPROVAL OR  
35 REJECTION — PAYMENT.

36 The state appeal board with the recommendation of  
37 the special assistant attorney general for claims may  
38 approve or reject claims against the state of less  
39 than ten years covering the following: Outdated  
40 warrants; outdated sales and use tax refunds; license  
41 refunds; additional agricultural land tax credits;  
42 outdated invoices; fuel and gas tax refunds; outdated  
43 homestead and veterans' exemptions; outdated funeral  
44 service claims; tractor fees; registration permits;  
45 outdated bills for merchandise; services furnished to  
46 the state; claims by any county or county official  
47 relating to the personal property tax credit; and  
48 refunds of fees collected by the state; and amounts  
49 recoverable pursuant to section 147B.8, subsection 4.  
50 Payments authorized by the state appeal board shall be

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1 paid from the appropriation or fund of original  
2 certification of the claim, except, that if such  
3 appropriation or fund has since reverted under section  
4 8.33 or the claim is made for an amount recoverable  
5 pursuant to section 147B.8, subsection 4, then such  
6 payment authorized by the state appeal board shall be  
7 out of any money in the state treasury not otherwise

8 appropriated. Notwithstanding the provisions of this  
9 section, the director of revenue and finance may  
10 reissue outdated warrants.

11 Sec. 24. Notwithstanding section 4.12, if any pro-  
12 vision of this Act is held invalid, the whole Act is  
13 invalid, and to this end the provisions of the Act are  
14 not severable.

15 Sec. 25. Sections 2 through 23 of this Act take  
16 effect upon enactment, and the commissioner shall take  
17 all actions necessary to implement the provisions of  
18 sections 2 through 23 of this Act on or before January  
19 1, 1990." "

20 2. Title page, by striking lines 1 and 2 and  
21 inserting the following: "An Act relating to  
22 liability for the payment for medical care."

Groninga of Cerro Gordo rose on a point of order that amendment H—3133 was not germane.

The Speaker ruled the point well taken and amendment H—3133 not germane.

Stromer of Hancock moved that the rules be suspended to consider amendment H—3133.

Roll call was requested by Stromer of Hancock and Groninga of Cerro Gordo.

On the question "Shall the rules be suspended to consider amendment H—3133?" (H.F. 5)

The ayes were, 35:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Kistler
Kremer	Lundby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn

Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Teaford	Mr. Speaker Avenson

Absent or not voting, 9:

Banks	Black	Hanson, D. R.	Lageschulte
Maulsby	Svoboda	Swartz	Tabor
Wise			

The motion to suspend the rules lost.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3125.

Corbett of Linn offered the following amendment H—3111, previously deferred, filed by him:

H—3111

1 Amend House File 5 as follows:  
 2 1. Page 1, by striking everything after the  
 3 enacting clause and inserting the following:  
 4 "Section 1. Section 85.27, unnumbered paragraph 4,  
 5 Code 1989, is amended to read as follows:  
 6 For purposes of this section, the employer is  
 7 ~~obliged to~~ shall furnish reasonable services and  
 8 supplies to treat an injured employee, and has the  
 9 ~~right to~~ the employee may choose the care from a list  
 10 of ten physicians provided by the employer. The  
 11 treatment must be offered promptly and be reasonably  
 12 suited to treat the injury without undue inconvenience  
 13 to the employee. If the employee has reason to be  
 14 dissatisfied with the care offered, the employee  
 15 should communicate the basis of such dissatisfaction  
 16 to the employer, in writing if requested, following  
 17 which the employer and the employee may agree to  
 18 alternate care reasonably suited to treat the injury.  
 19 If the employer and employee cannot agree on such  
 20 alternate care, the commissioner may, upon application  
 21 and reasonable proofs of the necessity therefor, allow  
 22 and order other care. In an emergency, the employee  
 23 may choose the employee's care at the employer's  
 24 expense, provided the employer or the employer's agent  
 25 cannot be reached immediately."

Corbett of Linn offered the following amendment H—3131, to amendment H—3111, filed by him and moved its adoption:

H—3131

- 1 Amend amendment, H—3111, to House File 5 as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 “employer” the following: “in counties with a
- 5 population of more than 20,000 and from a list of
- 6 three physicians in a county of 20,000 or less”.

Amendment H—3131 was adopted.

Corbett of Linn moved the adoption of amendment H—3111, as amended.

Roll call was requested by Arnould of Scott and Buhr of Polk.

On the question “Shall amendment H—3111, as amended, be adopted?” (H.F. 5)

The ayes were, 36:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Halvorson, R. N.	Harbor	Hester	Kistler
Kremer	Lageschulte	Lundby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Teaford	Mr. Speaker
			Avenson

Absent or not voting, 8:

Banks	Black	Hanson, D. R.	Hermann
Maulsby	Svoboda	Tabor	Wise

Amendment H—3111, as amended, lost.

(House File 5 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:18 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 5**, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits, pending at recess.

Corbett of Linn offered the following amendment H—3112, previously deferred, filed by him and moved its adoption:

H—3112

1 Amend House File 5 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. Section 85.27, unnumbered paragraph 4,  
 5 Code 1989, is amended to read as follows:  
 6 For purposes of this section, the employer is  
 7 obliged to furnish reasonable services and supplies to  
 8 treat an injured employee, and has the right to choose  
 9 the care within the first fourteen days after the  
 10 injury occurred. The treatment must be offered  
 11 promptly and be reasonably suited to treat the injury  
 12 without undue inconvenience to the employee. If the  
 13 employee has reason to be dissatisfied with the care  
 14 offered given, the employee should communicate in  
 15 writing the basis of such the dissatisfaction to the  
 16 employer, in writing if requested, following which the  
 17 employer and the employee may agree to alternate care  
 18 reasonably suited to treat the injury. If the  
 19 employer and employee cannot agree on such the  
 20 alternate care, the industrial commissioner may, upon  
 21 application and reasonable proofs of the necessity  
 22 therefor for other care, allow and order other care.  
 23 In an emergency, the employee may choose the  
 24 employee's care at the employer's expense, provided  
 25 the employer or the employer's agent cannot be reached  
 26 immediately. Following the fourteenth day after the  
 27 injury occurred, the employee may choose the care. If

28 the employer has reason to be dissatisfied with the  
 29 care given, the employer shall communicate in writing  
 30 the basis of the dissatisfaction to the employee,  
 31 following which the employer and the employee may  
 32 agree to alternate care reasonably suited to treat the  
 33 injury. If the employer and employee cannot agree on  
 34 such alternate care, the industrial commissioner may,  
 35 upon application and reasonable proofs of the  
 36 necessity for other care, allow and order other care."

A non-record roll call was requested.

The ayes were 38, nays 52.

Amendment H—3112 lost.

Halvorson of Clayton offered the following amendment H—3117,  
 previously deferred, filed by him and Harbor of Mills:

H—3117

1 Amend House File 5 as follows:

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

4 "Section 1. Section 85.27, Code 1989, is amended  
 5 to read as follows:

6 85.27 PROFESSIONAL AND HOSPITAL SERVICES — RELEASE  
 7 OF INFORMATION — ABSOLVED FROM LIABILITY — CHARGES —  
 8 PROSTHETIC DEVICES.

9 1. The employer, for all injuries compensable  
 10 under this chapter or chapter 85A, shall furnish  
 11 reasonable surgical, medical, dental, osteopathic,  
 12 chiropractic, podiatric, physical rehabilitation,  
 13 nursing, ambulance and hospital services and supplies  
 14 therefor and shall allow reasonably necessary  
 15 transportation expenses incurred for such services.  
 16 The employer shall also furnish reasonable and  
 17 necessary crutches, artificial members and appliances  
 18 but shall not be required to furnish more than one set  
 19 of permanent prosthetic devices.

20 2. Any employee, employer or insurance carrier  
 21 making or defending a claim for benefits agrees to the  
 22 release of all information to which the employee,  
 23 employer, or carrier has access concerning the  
 24 employee's physical or mental condition relative to  
 25 the claim and further waives any privilege for the  
 26 release of the information. The information shall be  
 27 made available to any party or the party's  
 28 representative upon request. Any institution or  
 29 person releasing the information to a party or the  
 30 party's representative shall not be liable criminally  
 31 or for civil damages by reason of the release of the  
 32 information. If release of information is refused the

33 party requesting the information may apply to the  
34 industrial commissioner for relief. The information  
35 requested shall be submitted to the industrial  
36 commissioner who shall determine the relevance and  
37 materiality of the information to the claim and enter  
38 an order accordingly.

39 3. Charges believed to be excessive or unnecessary  
40 may be referred to the industrial commissioner for  
41 determination, and the commissioner may, in connection  
42 therewith, utilize the procedures provided in sections  
43 86.38 and 86.39 and conduct such inquiry as the  
44 commissioner shall deem necessary. Any institution or  
45 person rendering treatment to an employee whose injury  
46 is compensable under this section agrees to be bound  
47 by such charges as allowed by the industrial  
48 commissioner and shall not recover in law or equity  
49 any amount in excess of that set by the commissioner.

50 For purposes of this section, the employer is

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1 obliged to furnish reasonable services and supplies to  
2 treat an injured employee, and has the right to choose  
3 the care. The treatment must be offered promptly and  
4 be reasonably suited to treat the injury without undue  
5 inconvenience to the employee. If the employee has  
6 reason to be dissatisfied with the care offered, the  
7 employee should communicate the basis of such  
8 dissatisfaction to the employer, in writing if  
9 requested, following which the employer and the  
10 employee may agree to alternate care reasonably suited  
11 to treat the injury. If the employer and employee  
12 cannot agree on such alternate care, the commissioner  
13 may, upon application and reasonable proofs of the  
14 necessity therefor, allow and order other care. In an  
15 emergency, the employee may choose the employee's care  
16 at the employer's expense, provided the employer or  
17 the employer's agent cannot be reached immediately.

18 4. The employer shall select and maintain a panel  
19 of physicians who are not employees of the employer  
20 and who are reasonably accessible to the employees of  
21 the employer. The panel selected and maintained by an  
22 employer with three hundred or fewer employees per  
23 site shall contain at least three physicians and the  
24 panel selected and maintained by an employer with more  
25 than three hundred employees per site shall contain at  
26 least seven physicians. The employer shall post the  
27 list of the physicians on the panel in a place  
28 accessible to the employees.

29 a. An employer required to select and maintain a  
30 panel of physicians may apply to the industrial  
31 commissioner for a total or partial waiver of the

32 panel requirement. The application for waiver shall  
33 state the reasons for the submission of the  
34 application and that the employer has attempted to  
35 select and maintain the required panel. A copy of the  
36 application for waiver shall be posted in a place  
37 accessible to the employer's employees. The  
38 industrial commissioner may deny the waiver or grant  
39 the employer a partial or total waiver of the panel  
40 requirement. However, a total or partial waiver to  
41 the panel requirement shall only be granted if the  
42 employer can demonstrate that the community lacks a  
43 sufficient number of physicians who are located in or  
44 reasonably near the community in which the medical  
45 services are required and who are qualified to perform  
46 the medical services necessary to meet the needs of  
47 the employer's employees.  
48 b. The industrial commissioner may order necessary  
49 changes in an employer's panel of physicians if the  
50 commissioner finds that the panel fails to contain a

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1 sufficient number of physicians who are conveniently  
2 available to or in the community in which medical  
3 services are required and who are qualified to perform  
4 the medical services necessary to meet the particular  
5 needs of the employer's employees. The commissioner  
6 may suspend or remove a physician from a panel of  
7 physicians under rules adopted by the commissioner  
8 pursuant to chapter 17A.  
9 5. An employee may accept the medical services of  
10 a physician selected by the employer or may select a  
11 physician from the employer's panel of physicians.  
12 The employee may select an alternative physician from  
13 the panel if the employee is not satisfied with the  
14 physician first selected.  
15 a. In an emergency, the employee may choose a  
16 physician at the employer's expense, provided the  
17 employer or the employer's agent cannot be reached  
18 immediately.  
19 b. The physician selected may arrange for a con-  
20 sultation, referral, extraordinary or other  
21 specialized medical services as the nature of the  
22 injury requires.  
23 c. The employer is not responsible for the charges  
24 for medical services furnished or ordered by a  
25 physician or other person selected by the employee in  
26 disregard of the provisions of this subsection and the  
27 employer is not responsible for compensation for an  
28 aggravation of the employee's injury attributable to  
29 improper medical services by the physician or other  
30 person.

31 6. If an employer required to select and maintain  
32 a panel of physicians has knowledge of an injury to an  
33 employee and the necessity for medical services, and  
34 fails to maintain a panel of physicians and a waiver  
35 has not been granted, or fails to permit the injured  
36 employee to select a physician from the panel, the  
37 employee may select a physician to provide medical  
38 services at the expense of the employer. A claim for  
39 the medical services shall not be valid or enforceable  
40 against the employer unless the physician providing  
41 the services furnishes a report of the injury and  
42 services to the employer within ten days following the  
43 first services provided by the physician. However,  
44 the commissioner, in the interests of justice, may  
45 excuse the failure to furnish the report within the  
46 ten days and may, upon application of a party in  
47 interest, award the reasonable value of the medical  
48 services provided to the employee.

49 7. When an artificial member or orthopedic  
50 appliance, whether or not previously furnished by the

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1 employer, is damaged or made unusable by circumstances  
2 arising out of and in the course of employment other  
3 than through ordinary wear and tear, the employer  
4 shall repair or replace it. When any crutch,  
5 artificial member or appliance, whether or not  
6 previously furnished by the employer, either is  
7 damaged or made unusable in conjunction with a  
8 personal injury entitling the employee to disability  
9 benefits, or services as provided by this section or  
10 is damaged in connection with employee actions taken  
11 which avoid such personal injury, the employer shall  
12 repair or replace it.

13 Sec. 2. Section 86.38, Code 1989, is amended to  
14 read as follows:

15 86.38 EXAMINATION BY PHYSICIAN – FEE.

16 The industrial commissioner may appoint a duly  
17 qualified, impartial physician to examine the injured  
18 employee and make a report. The fee for this service  
19 shall be five dollars, to be paid by the industrial  
20 commissioner, together with traveling expenses, but  
21 the commissioner may allow additional reasonable  
22 amounts in extraordinary cases. Any A physician so  
23 examining any an injured employee shall not be  
24 prohibited from testifying before the industrial  
25 commissioner, or any other another person, commission,  
26 or court, as to the results of the examination or the  
27 condition of the injured employee. The fee for  
28 services under this section shall be taxed as costs  
29 pursuant to section 86.40.

30 Sec. 3. This Act applies to injuries incurred on  
31 or after July 1, 1989."

32 2. Title page, by striking lines 1 and 2 and  
33 inserting the following: "An Act relating to the care  
34 provided to employees under workers' compensation  
35 medical benefits."

Lundby of Linn asked and received unanimous consent to withdraw amendment H—3128, to amendment H—3117, filed by her on February 10, 1989.

Halvorson of Clayton moved the adoption of amendment H—3117.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—3117 be adopted?"  
(H.F. 5)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Groninga	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhausser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 4:

Hermann	Knapp	Shoultz	Svoboda
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Amendment H—3117 lost.

Stromer of Hancock offered the following amendment H-3121, previously deferred, filed by him:

H-3121

1 Amend House File 5 as follows:

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

4 "Section 1. Section 85.27, unnumbered paragraph 4,  
5 Code 1989, is amended to read as follows:

6 For purposes of this section, the employer is  
7 ~~obliged to~~ shall furnish reasonable services and  
8 supplies to treat an injured employee, and ~~has the~~  
9 ~~right to the employee may choose the care. The~~  
10 ~~treatment must be offered promptly and be reasonably~~  
11 ~~suited to treat the injury without undue inconvenience~~  
12 ~~to the employee.~~ If the ~~employee employer~~ has reason  
13 to be dissatisfied with the care ~~offered given~~, the  
14 ~~employee should employer shall~~ communicate in writing  
15 the basis of ~~such the~~ dissatisfaction to the employer,  
16 in writing if requested ~~employee~~, following which the  
17 employer and the employee may agree to alternate care  
18 reasonably suited to treat the injury. If the  
19 employer and employee cannot agree on such alternate  
20 care, the industrial commissioner may, upon  
21 application and reasonable proofs of the necessity  
22 ~~therefor for other care~~, allow and order other care.  
23 In an emergency, the employee may choose the  
24 employee's care at the employer's expense, provided  
25 the employer or the employer's agent cannot be reached  
26 immediately.

27 If the industrial commissioner disapproves a claim  
28 or a portion of a claim for benefits under this  
29 section because it did not meet the reasonable or  
30 necessary standards of this section, the employee  
31 shall reimburse the employer for the cost or the  
32 portion of the cost of the care which did not meet the  
33 reasonable or necessary standards.

34 Sec. 2. NEW SECTION. 91D.1 DISCHARGE OF  
35 EMPLOYEES.

36 1. As used in this section:

37 a. "Discharge" means termination of an employee's  
38 employment for reasons other than the cessation of an  
39 employer's business operations or a general cutback in  
40 the employer's work force due to economic hardship.

41 b. "Employee" means an employee as defined in  
42 section 91A.2.

43 c. "Employer" means an employer as defined in  
44 section 91A.2.

45 2. Unless modified by contract, an employer shall  
46 only discharge an employee for one or more of the  
47 following reasons:

- 48 a. The employee performs work assignments in a  
49 negligent manner.  
50 b. The employee's continuous absences from the

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- 1 place of employment affect the interest of the  
2 employer.  
3 c. The employee is incompetent or inefficient,  
4 thereby impairing the employee's usefulness to the  
5 employer.  
6 d. The employee's use of intoxicants or controlled  
7 substances interferes with the proper discharge of the  
8 employee's duties, provided the employer complies with  
9 section 730.5.  
10 e. The employee willfully and intentionally  
11 disobeys reasonable and lawful rules, orders, or  
12 instructions of the employer.  
13 f. The employee is dishonest.  
14 3. An employee who was discharged for a reason  
15 other than those stated in subsection 1 may file a  
16 written complaint with the labor commissioner within  
17 thirty days after discharge. The commissioner shall  
18 serve upon the employer a copy of the complaint  
19 stating the charges and a written notice of hearing  
20 before the commissioner which shall be held ten days  
21 after service of the complaint. The commissioner  
22 shall provide written notice of hearing to the  
23 employee filing the complaint. The employer may file  
24 an answer to the complaint. The employer and employee  
25 may give testimony at the hearing, and rules of  
26 evidence prescribed by the commissioner shall apply.  
27 The employer has the burden of proving that the  
28 employee was not wrongfully discharged.  
29 If the commissioner determines that the employer  
30 wrongfully discharged the employee, the commissioner  
31 shall state the findings, order the employer to  
32 reinstate the employee with back pay, and award to the  
33 employee reasonable attorney's fees and costs relating  
34 to the administrative proceeding. If the commissioner  
35 determines that the employer did not wrongfully  
36 discharge the employee, the commissioner shall state  
37 the findings and dismiss the complaint.  
38 The commissioner's decision may be appealed by any  
39 party to the employment appeal board created in  
40 section 10A.601. The decision of the appeal board is  
41 the final agency action and an appeal of the decision  
42 shall be made directly to the district court.  
43 4. In addition to the remedies provided in  
44 subsection 3, any wrongfully discharged employee may  
45 bring a civil action for compensatory and punitive  
46 damages against an employer who has violated this

47 section.”

48 2. Title page, by striking lines 1 and 2 and

49 inserting the following: “An Act relating to

50 employer-employee rights and benefits.”

Tyrrell of Iowa offered the following amendment H—3132, to amendment H—3121, filed by him and moved its adoption:

H—3132

1 Amend amendment, H—3121, to House File 5 as

2 follows:

3 1. Page 2, line 37, by inserting after the word

4 “complaint” the following: “, and award to the

5 employer reasonable attorney’s fees and costs relating

6 to the administrative proceeding”.

7 2. Page 2, line 45, by striking the words “and

8 punitive”.

Amendment H—3132 was adopted.

Connors of Polk rose on a point of order that amendment H—3121 was not germane.

The Speaker ruled the point well taken and amendment H—3121 not germane.

Schneklath of Scott offered the following amendment H—3122, previously deferred, filed by him:

H—3122

1 Amend House File 5 as follows:

2 1. By striking everything after the enacting

3 clause and inserting the following:

4 “Section 1. Section 85.27, unnumbered paragraph 4,

5 Code 1989, is amended to read as follows:

6 For purposes of this section, the employer is

7 ~~obliged to shall~~ furnish reasonable services and

8 supplies to treat an injured employee, and ~~has the~~

9 ~~right to the employee may~~ choose the care. The

10 ~~treatment must be offered promptly and be reasonably~~

11 ~~suited to treat the injury without undue inconvenience~~

12 ~~to the employee. If the employee employer has reason~~

13 ~~to be dissatisfied with the care offered given, the~~

14 ~~employee should employer shall~~ communicate in writing

15 the basis of ~~such the~~ dissatisfaction to the ~~employer,~~

16 ~~in writing if requested employee,~~ following which the

17 employer and the employee may agree to alternate care

18 reasonably suited to treat the injury. If the

19 employer and employee cannot agree on such alternate

20 care, the ~~industrial~~ commissioner may, upon

21 application and reasonable proofs of the necessity

22 ~~therefor for other care~~, allow and order other care.  
 23 In an emergency, the employee may choose the  
 24 employee's care at the employer's expense, provided  
 25 the employer or the employer's agent cannot be reached  
 26 immediately.

27 If the industrial commissioner disapproves a claim  
 28 or a portion of a claim for benefits under this  
 29 section because it did not meet the reasonable or  
 30 necessary standards of this section, the employee  
 31 shall reimburse the employer for the cost or the  
 32 portion of the cost of the care which did not meet the  
 33 reasonable or necessary standards.

34 Sec. 2. NEW SECTION. 91D.1 EMPLOYEE PARENTAL  
 35 LEAVE.

36 1. For purposes of this section, unless the  
 37 context otherwise requires:

38 a. "Employee" means an employee as defined under  
 39 section 91A.2.

40 b. "Employer" means an employer as defined under  
 41 section 91A.2.

42 2. An employer shall make available to an employee  
 43 a parental leave of absence. An additional unpaid  
 44 leave of absence may be granted to an employee with  
 45 the approval of the employee's employer. The  
 46 provisions of collective bargaining agreements  
 47 negotiated under chapter 20 shall at least meet the  
 48 minimum standard for parental leave established under  
 49 this section. Parental leave, required by this  
 50 section, is subject to each of the following

**Page 2**

1 conditions:

2 a. Parental leave shall be limited to a maximum of  
 3 sixteen weeks within any two-year period due to the  
 4 birth or adoption of a child by the employee.

5 Parental leave shall begin at a time requested by the  
 6 employee which cannot be later than six weeks  
 7 following the birth or adoption of a child.

8 b. Notwithstanding the requirement to commence  
 9 parental leave within six weeks of the birth or  
 10 adoption of a child in paragraph "a", an employee who  
 11 takes leave for a disability related to pregnancy as  
 12 provided under section 601A.6 may commence a parental  
 13 leave immediately following the termination of the  
 14 disability leave. The length of parental leave which  
 15 is required to be made available by this section to an  
 16 employee is sixteen weeks, and includes any period of  
 17 disability leave related to pregnancy following the  
 18 birth of a child.

19 c. If accrued leave benefits are available to an  
 20 employee, the employee may use a combination of

21 accrued sick leave, accrued vacation leave, or unpaid  
22 leave of absence during a parental leave. For  
23 employees of the state, the department of personnel  
24 and the state board of regents shall adopt rules  
25 requiring the use of accrued sick leave and vacation  
26 leave during parental leaves; however, the rules shall  
27 allow an employee of the state to retain at least ten  
28 days of accrued sick leave and five days of accrued  
29 vacation leave.

30 d. At the end of the parental leave, the employee  
31 shall have the right to be returned to the employee's  
32 position from which the parental leave was provided if  
33 available or, if not available, to a position of like  
34 nature with the equivalent pay.

35 e. If both parents are permanent employees of an  
36 employer, unpaid parental leave shall be available to  
37 only one parent. Unless an employer provides  
38 otherwise, an employee shall not accrue sick leave or  
39 vacation leave during a period of unpaid parental  
40 leave.

41 f. If made available to an employee through the  
42 employee's employer, health insurance or benefits  
43 coverage shall continue to be available during a  
44 period of unpaid parental leave. For employees of the  
45 state, the state shall pay the state portion of the  
46 costs of the health insurance coverage during the  
47 period of unpaid parental leave."

48 2. Title page, by striking lines 1 and 2 and  
49 inserting the following: "An Act relating to  
50 employer-employee rights and benefits."

Metcalf of Polk offered the following amendment H-3143, to amendment H-3122, filed by her from the floor and moved its adoption:

H-3143

1 Amend amendment, H-3122, to House File 5 as  
2 follows:

3 1. Page 1, line 39, by inserting after the  
4 figure "91A.2." the following: "Employees working  
5 seventeen and one-half hours or less per week shall  
6 not be included in these provisions."

Amendment H-3143 was adopted.

Metcalf of Polk offered the following amendment H-3144, to amendment H-3122, filed by her from the floor:

H-3144

- 1 Amend amendment, H-3122, to House File 5 as
- 2 follows:
- 3 1. Page 1, line 41, by inserting after the figure
- 4 "91A.2." the following: "However, this section does
- 5 not apply to employers with five or fewer employees."

The House stood at ease at 2:20 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H-3144, to amendment H-3122, to House File 5 at 2:45 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford, for the remainder of the day and February 14, on request of Pavich of Pottawattamie.

On motion by Metcalf of Polk, amendment H-3144, to amendment H-3122, was adopted.

Lundby of Linn offered the following amendment H-3137, to amendment H-3122, filed by her and moved its adoption:

H-3137

- 1 Amend amendment, H-3122, to House File 5 as
- 2 follows:
- 3 1. Page 2, line 3, by striking the word "sixteen"
- 4 and inserting the following: "eight".

Amendment H-3137 was adopted.

Lundby of Linn asked and received unanimous consent to withdraw amendment H-3136, to amendment H-3122, filed by her on February 10, 1989.

The following amendment H-3147, to amendment H-3122, filed by Lundby of Linn from the floor, was adopted by unanimous consent:

H-3147

- 1 Amend amendment, H-3122, to House File 5 as
- 2 follows:
- 3 1. Page 2, line 37, by inserting after the word
- 4 "parent" the word "simultaneous".

Connors of Polk rose on a point of order that amendment H-3122, as amended, was not germane.

The Speaker ruled the point well taken and amendment H—3122, as amended, not germane.

Metcalf of Polk offered the following amendment H—3091 filed by her and moved its adoption:

H—3091

- 1 Amend House File 5 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "services" the following: "within the state".

Amendment H—3091 lost.

Connors of Polk offered the following amendment H—3107 filed by him and Sherzan of Polk:

H—3107

- 1 Amend House File 5 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "care." the following: "The employee shall notify the
- 4 employer in writing of the name of the employee's
- 5 personal physician. The employee shall also notify
- 6 the employer in writing of any change in personal
- 7 physician."

Connors of Polk asked and received unanimous consent to defer action on amendment H—3107.

Sherzan of Polk offered the following amendment H—3135 filed by Sherzan, et al., and moved its adoption:

H—3135

- 1 Amend House File 5 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "care." the following: "In an emergency, the employee
- 4 shall be transported to the nearest medical facility
- 5 if the employee is unable to choose the care at the
- 6 time of the injury. If the employee is transported to
- 7 a medical facility other than a facility chosen by the
- 8 employee, the employee's physician of choice must be
- 9 notified as soon as possible."

Amendment H—3135 was adopted.

The House resumed consideration of amendment H—3107, previously deferred.

Connors of Polk moved the adoption of amendment H—3107.

A non-record roll call was requested.

The ayes were 44, nays 23.

Amendment H—3107 was adopted.

Tyrrell of Iowa offered the following amendment H—3093 filed by him:

H—3093

- 1 Amend House File 5 as follows:
- 2 1. Page 1, by striking lines 1 through 26 and
- 3 inserting the following:
- 4 "Section 1. Section 85.27, Code 1989, is amended
- 5 by adding after unnumbered paragraph 4 the following
- 6 new unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. If the services of a
- 8 physician furnished as above provided are not
- 9 satisfactory to the injured employee, the employee may
- 10 consult, without the approval of the employer, another
- 11 physician of the employee's own choice, and the
- 12 employer shall pay the fees and charges. If the fees
- 13 and charges are for examination, diagnosis, or
- 14 treatment, the fees and charges shall not exceed a
- 15 total amount of three hundred fifty dollars."

Tyrrell of Iowa offered the following amendment H—3130, to amendment H—3093, filed by him and moved its adoption:

H—3130

- 1 Amend the amendment, H—3093, to House File 5 as
- 2 follows:
- 3 1. Page 1, line 10, by striking the word
- 4 "without" and inserting the following: "with".

Amendment H—3130 was adopted.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3098, to amendment H—3093, filed by him on February 8, 1989.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3099, to amendment H—3093, filed by him on February 8, 1989.

Tyrrell of Iowa moved the adoption of amendment H—3093, as amended.

A non-record roll call was requested.

The ayes were 27, nays 43.

Amendment H—3093, as amended, lost.

Lundby of Linn offered the following amendment H—3138 filed by her and moved its adoption:

H—3138

- 1 Amend House File 5 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. This Act takes effect January 1, 1990."
- 5 2. Title page, line 2, by inserting after the
- 6 word "benefits" the following: "and providing an
- 7 effective date".
- 8 3. By renumbering as necessary.

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

On the question "Shall amendment H—3138 be adopted?"  
(H.F. 5)

The ayes were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Neuhauser	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklloth	Shoning
Siegrist	Spenner	Stromer	Trent
Tyrrell	Van Maanen		

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 7:

Blanshan	Hermann	Hibbard	Muhlbauer
Osterberg	Stueland	Svoboda	

Amendment H—3138 lost.

Koenigs of Mitchell in the chair at 4:05 p.m.

Speaker Avenson in the chair at 4:29 p.m.

Black of Jasper in the chair at 4:59 p.m.

Speaker Avenson in the chair at 5:01 p.m.

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. 5)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lykam	McKinney	Mertz
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 41:

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

Absent or not voting, 4:

Blanshan	Muhlbauer	Osterberg	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.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules so that committees originally scheduled to meet today at 1:00 p.m. and 2:30 p.m. be rescheduled for 5:30 p.m. and 6:00 p.m.

**MOTIONS TO RECONSIDER**

(House File 146)

I move to reconsider the vote by which House File 146 passed the House on February 13, 1989.

BROWN of Lucas

(House File 146)

I move to reconsider the vote by which House File 146 passed the House on February 13, 1989.

SHONING of Woodbury

(House File 146)

I move to reconsider the vote by which House File 146 passed the House on February 13, 1989.

HAMMOND of Story

(House File 149)

I move to reconsider the vote by which House File 149 passed the House on February 13, 1989.

STROMER of Hancock

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Thursday afternoon, February 9, 1989. Had I been present, I would have voted "aye" on House Files 195, 196, 197 and 217.

BISIGNANO of Polk

I was necessarily absent from the House chamber on Friday, February 10. Had I been present, I would have voted "aye" on House File 178.

OLLIE of Clinton

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 224 Small Business and Commerce**

Prohibiting unfair discriminatory insurance practices in the issuance or operation of an insurance policy, plan, or coverage, or in a pension

or retirement plan, including discrimination in regard to rates, charges, and benefits, and bringing such discriminatory practices within the jurisdiction of the civil rights commission and making certain penalties applicable.

SUBCOMMITTEE ASSIGNMENTS

**House File 116**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 201**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 205**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House File 231**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 238**

Local Government: Peters, Chair; Brown and Spenner.

**House File 241**

Local Government: Fuller, Chair; Banks and Hatch.

**House File 249**

Local Government: Mertz, Chair; Eddie and Muhlbauer.

**House File 251**

Local Government: Mertz, Chair; Eddie and Muhlbauer.

**House File 252**

Local Government: Mertz, Chair; Eddie and Muhlbauer.

**House File 259**

Local Government: Haverland, Chair; Diemer and Spear.

**House File 282**

Energy and Environmental Protection: Schrader, Chair; Bisignano, McKean, Nielsen and Siegrist.

**House File 298**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**Senate File 71**

Local Government: Bisignano, Chair; Brown and Diemer.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 52**

Economic Development: Swartz, Chair; Brand and Branstad.

**House Study Bill 63**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House Study Bill 131**

Economic Development: Swartz, Chair; Beaman, Brand, Dvorsky and Lageschulte.

**House Study Bill 132**

Economic Development: Groninga, Chair; Hermann, Metcalf, Ollie and Teaford.

**House Study Bill 161**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House Study Bill 179**

Economic Development: Groninga, Chair; Hermann, Metcalf, Ollie and Teaford.

**House Study Bill 186**

Economic Development: Groninga, Chair; Hermann, Metcalf, Ollie and Teaford.

**House Study Bill 214**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House Study Bill 222**

Small Business and Commerce: Doderer, Chair; Hansen of Woodbury and Metcalf.

## AMENDMENTS FILED

H—3140	H.F.	234	Renken of Grundy
H—3141	H.F.	275	Diemer of Black Hawk
H—3142	H.F.	234	Jesse of Jasper
H—3145	H.F.	255	Carpenter of Polk
H—3146	H.F.	6	Tabor of Jackson
			Black of Jasper
			Johnson of Winneshiek
H—3148	H.F.	274	Lundby of Linn
			Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 5:22 p.m., until 9:00 a.m., Tuesday, February 14, 1989.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 14, 1989

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

Prayer was offered by the Honorable Don Knapp, state representative from Dubuque County.

The Journal of Monday, February 13, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gruhn of Dickinson, from thirty-eight constituents opposing riverboat gambling.

By Wise of Lee, from twenty-one constituents favoring the passage of House File 5, an act to allow an employee who has suffered a work-related illness or injury to choose his/her own doctor.

## INTRODUCTION OF BILLS

**House File 302**, by Osterberg, a bill for an act relating to the testing of public and regional water systems, and making penalties applicable.

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

**House File 303**, by Blanshan, a bill for an act relating to purchasing by the state and its political subdivisions by revising provisions setting forth Iowa preference requirements.

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

**House File 304**, 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 305**, by McKean, a bill for an act relating to the board of parole, by providing for notification to a victim and the department of corrections of a hearing at which an offender will be interviewed, and providing that the department of corrections make the offender available at the hearing.

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

**House File 306**, by Schneklath, 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 307**, by Tyrrell, a bill for an act relating to obtaining workers' compensation benefits through fraudulent practices and providing criminal penalties and civil remedies.

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

**House File 308**, by Halvorson of Webster, a bill for an act relating to the required acceptance of empty beverage containers by dealers and distributors.

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

**House File 309**, by May and Schrader, a bill for an act to establish an Iowa sportsperson license and a license fee.

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

**House File 310**, by Pellett, a bill for an act relating to insurance coverage and registration requirements for motor vehicles in this state and providing penalties and effective dates.

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

**House File 311**, by Garman, a bill for an act relating to the possession of game or fur-bearing animals lawfully taken.

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

**House File 312**, by De Groot, a bill for an act relating to health and accident insurance by requiring the commissioner of insurance to approve rate changes in advance, upon application by the insurer which application is to be supported by facts and arguments detailing expenses to support the rate change.

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

**House File 313**, by Sherzan, a bill for an act relating to the common boundary for a voluntary annexation.

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

**House File 314**, by Shoultz, a bill for an act relating to the authority of class "A", "B", and "C" beer permittees, providing for the liability of class "B" beer permittees, and providing a penalty.

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

**House File 315**, by Bisignano, Renaud, Jochum, Sherzan, Hatch, Connors, Haverland, Hanson of Delaware, Chapman, Brown and Renken, a bill for an act prohibiting residency requirements for appointive county officers or employees.

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

**House File 316**, by Neuhauser, a bill for an act requiring a multicultural, nonsexist approach in all accredited schools.

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 February 13, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 17, a bill for an act relating to minimum wage requirements.

Also: That the Senate has on February 9, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 128, a bill for an act relating to the collection and compilation of information regarding juvenile court activities.

Also: That the Senate has on February 9, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 152, a bill for an act relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:24 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 4:13 p.m., until the fall of the gavel.

The House resumed session at 5:10 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Diemer of Black Hawk on request of Tyrrell of Iowa, both for the remainder of the day; Mertz of Kossuth, for the remainder of the day and February 15, on request of Fogarty of Palo Alto.

### SENATE AMENDMENT CONSIDERED

Sherzan of Polk called up for consideration **House File 17**, a bill for an act relating to minimum wage requirements, amended by the Senate amendment H—3150 as follows:

H—3150

- 1 Amend House File 17 as amended, passed and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 4 through 6, and
- 4 inserting the following: "law, pursuant to 29 U.S.C.
- 5 § 206, shall be increased to \$3.85 on January 1 of
- 6 1990, \$4.25 on January 1 of 1991, and \$4.65 on January
- 7 1 of 1992."
- 8 2. Page 1, by inserting after line 23 the
- 9 following:
- 10 "d. An employer is not required to pay an employee
- 11 the applicable minimum wage provided in paragraph "a"
- 12 until the employee has completed ninety calendar days
- 13 of employment with the employer. An employee who has
- 14 completed ninety calendar days of employment with the
- 15 employer prior to January 1 of 1990, 1991, or 1992,
- 16 shall earn the applicable minimum wage."
- 17 3. Page 1, by striking lines 25 and 26 and
- 18 inserting the following: "stated in 29 U.S.C. § 213
- 19 shall apply."
- 20 4. By renumbering, relettering, or redesignating
- 21 and correcting internal references as necessary.

Halvorson of Clayton offered the following amendment H—3154, to the Senate amendment H—3150, filed from the floor by him and Harbor of Mills and moved its adoption:

H—3154

- 1 Amend the Senate amendment, H—3150, to House File
- 2 17, as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 7, by inserting after the figure

5 "1992." the following: "However, the applicable  
6 hourly wage specified in this paragraph shall not take  
7 effect until the federal minimum wage law in 29 U.S.C.  
8 § 206 is equal to or exceeds the applicable hourly  
9 wage specified in this paragraph."

Roll call was requested by Stromer of Hancock and Arnould of Scott.

On the question "Shall amendment H—3154 be adopted?" (H.F. 17)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 58:

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

Absent or not voting, 5:

Chapman	Diemer	Eddie	Mertz
Muhlbauer			

Amendment H—3154 lost.

Sherzan of Polk offered the following amendment H—3152, to the Senate amendment H—3150, filed from the floor by Sherzan, Connors, Buhr and Jochum and moved its adoption:

H—3152

- 1 Amend the Senate amendment, H—3150, to House File
- 2 17, as amended, passed, and reprinted by the House as
- 3 follows:
- 4 1. Page 1, by striking lines 17 through 19.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 55, nays 31.

Amendment H—3152 was adopted.

Sherzan of Polk moved that the House concur in the Senate amendment H—3150, as amended.

A non-record roll call was requested.

The ayes were 52, nays 30.

The motion prevailed and the House concurred in the Senate amendment H—3150, as amended.

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

On the question “Shall the bill pass?” (H.F. 17)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Cohoon	Connolly
Connors	Corbett	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKinney
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Spear
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 34:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	De Groot

Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Jay	Kistler
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Siegrist	Spenner
Stromer	Stueland	Svoboda	Trent
Tyrrell	Van Maanen		

Absent or not voting, 5:

Chapman	Diemer	Eddie	Mertz
Muhlbauer			

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

### Regular Calendar

**House File 199**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions, was taken up for consideration.

Carpenter of Polk asked for unanimous consent to consider amendment H—3155.

Objection was raised.

Carpenter of Polk moved to suspend Rule 31.8, relating to the timely filing of amendments for consideration of amendment H—3155 filed by her from the floor as follows:

H—3155

- 1 Amend House File 199 as follows:
- 2 1. Page 1, by striking lines 3 through 5 and
- 3 inserting the following:
- 4 "1. A policy or contract which provides for third-
- 5 party payment or prepayment of routine physical
- 6 examinations shall include as part of routine physical
- 7 examination, minimum mammography examination coverage
- 8 as defined in this section, including, but not".

A non-record roll call was requested.

The ayes were 33, nays 48.

The motion to suspend the rules lost.

Connors of Polk in the chair at 5:53 p.m.

The House stood at ease at 5:56 p.m.

The House resumed session and consideration of House File 199 at 6:08 p.m., Connors of Polk in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jay of Appanoose, for the remainder of the day, on request of Hansen of Woodbury.

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. 199)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Brand	Brown	Buhr	Carpenter
Clark	Cphoon	Connolly	Daggett
De Groot	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hester	Hibbard	Holveck
Jesse	Johnson	Kistler	Kremer
Lageschulte	Lykam	May	McKean
McKinney	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Tabor	Teaford	Trent
Wise	Connors		
	Presiding		

The nays were, 24:

Branstad	Corbett	Garman	Gruhn
Halvorson, R. A.	Harbor	Jochum	Koenigs
Lundby	Maulsby	Metcalfe	Miller
Petersen, D. F.	Plasier	Poncy	Renken
Royer	Schnekloth	Spenner	Stromer
Svoboda	Swartz	Tyrrell	Van Maanen

Absent or not voting, 14:

Avenson, Spkr.	Banks	Blanshan	Chapman
Diemer	Eddie	Hatch	Hermann
Jay	Knapp	Mertz	Muhlbauer
Pellett	Stueland		

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

**MOTIONS TO RECONSIDER**  
(House File 199)

I move to reconsider the vote by which House File 199 passed the House on February 14, 1989.

KREMER of Buchanan

(House File 199)

I move to reconsider the vote by which House File 199 passed the House on February 14, 1989.

HOLVECK of Polk

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 9 and 10. Had I been present, I would have voted "aye" on House Files 178, 195, 196, 197 and 217.

PETERSON of Carroll

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 225 Local Government**

Exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

**H.S.B. 226 Small Business and Commerce**

Relating to securities and investments and properly related matters, by offering a venture capital tax credit, altering allowed exemptions from registration, creating a new class of registration by filing, eliminating certain filing requirements, imposing minimum share prices as a condition for eligibility for certain exemptions and procedures, eliminating the broker-dealer bond requirement for broker-dealers who are members of the securities investors protection corporation, granting the administrator authority to prohibit certain blind pools and direct participation offering, incorporating additional legislative intent language to guide interpretation of the Blue Sky Law, expanding the permitted investments of Iowa insurers to include certain venture capital and small business investments, among other provisions, and mandating a study be prepared by the securities bureau concerning investor protection and the impact of this Act, and repealing limits on securities registered by qualification.

**H.S.B. 227 Agriculture**

Relating to agricultural landholdings by corporations, trusts, and limited partnerships, making penalties applicable, and providing dates for compliance.

**H.S.B. 228 Agriculture**

Relating to the regulation of commercial feed.

**H.S.B. 229 State Government**

Relating to the membership of the medical assistance advisory council.

**H.S.B. 230 Economic Development**

Establishing primary and satellite research and marketing centers for economic development programs and services.

**H.S.B. 231 Education**

To establish a teacher exchange program within the state and making an appropriation.

**H.S.B. 232 Education**

Relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency.

**SUBCOMMITTEE ASSIGNMENTS****House File 223**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 226**

Judiciary and Law Enforcement: Siegrist, Chair; Poncy and Renaud.

**House File 228**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 233**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 239**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 243 (Reassigned)**

Energy and Environmental Protection: Jesse, Chair; Banks, Bisignano, Garman and Schrader.

**House File 244**

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

**House File 250**

Judiciary and Law Enforcement: Rosenberg, Chair; Peterson of Carroll and Shoning.

**House File 257**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**House File 258**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 262**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 268**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 277**

Energy and Environmental Protection: Rosenberg, Chair; Hatch and McKean.

**House File 287**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 288**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 303**

State Government: Blanshan, Chair; Poncey and Renken.

**House File 314**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**Senate File 105**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**Senate File 112**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 121**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 122**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**Senate File 129**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**Senate File 150**

State Government: Blanshan, Chair; Peterson of Carroll and Van Maanen.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 208**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 219 (Reassigned)**

Transportation: Brown, Chair; Black, Cohoon, Pellett and Spenner.

**House Study Bill 220 (Reassigned)**

Transportation: Brown, Chair; Black, Cohoon, Pellett and Spenner.

**House Study Bill 224**

Small Business and Commerce: Bisignano, Chair; Brammer, Doderer, Garman and Shoning.

**House Study Bill 227**

Agriculture: Osterberg, Chair; Eddie, Petersen of Muscatine, Schrader and Svoboda.

**House Study Bill 228**

Agriculture: May, Chair; Banks and McKinney.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

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

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 147), relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1989.

**Committee Bill** (Formerly House Study Bill 149), providing for the confidentiality of records submitted to the agricultural diversification bureau of the department of agriculture and land stewardship for the purposes of assisting persons in business planning.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1989.

COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 188), allowing a podiatrist to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1989.

AMENDMENTS FILED

H—3149	H.F.	201	Spear of Lee
H—3151	H.F.	201	Spear of Lee
H—3153	H.F.	198	Spear of Lee

On motion by Arnould of Scott, the House adjourned at 6:20 p.m., until 9:00 a.m., Wednesday, February 15, 1989.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 15, 1989

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, February 14, 1989 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 10**, by Schnekloth, a joint resolution proposing amendments to the Constitution of the State of Iowa limiting appropriations other than for emergencies to ninety-eight percent of the estimated revenues and requiring the approval of tax and license fee impositions and 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 317**, by Rosenberg and Brown, a bill for an act requiring notice of aerial spraying, providing for the liability of an applicator or owner, and establishing a civil penalty.

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

**House File 318**, by Rosenberg, a bill for an act relating to domestic abuse by permitting the court to order counseling for children.

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

**House File 319**, by Hanson of Delaware, a bill for an act relating to the establishment of benefited recreational lake districts.

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

**House File 320**, by Adams, a bill for an act requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable.

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

**House File 321**, by Halvorson of Clayton and Harbor, 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 322**, by Fuller, a bill for an act relating to insurance coverage requirements for motor vehicles registered in this state, creating the uninsured motorist's victim reparation fund, and providing penalties and effective dates.

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

**House File 323**, by Teaford, a bill for an act relating to the licensing of marital and family therapists, establishing the board of marital and family therapy examiners, prohibiting the practice of marital and family therapy without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, providing for a temporary waiver of examination requirements, providing other properly related matters, and providing effective dates.

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

**House File 324**, by Trent, a bill for an act relating to the confidentiality of county general relief records, and providing a penalty for violations.

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

**House File 325**, by McKean, a bill for an act relating to additional retirement benefits for certain employees of the Iowa department of corrections who have regular contact with offenders.

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

**House File 326**, by Harbor, a bill for an act relating to providing tax credits and refunds for certain small businesses which increase employment and investment in the state and providing an effective date.

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

**House File 327**, by Metcalf, a bill for an act relating to the hunting of pigeons, including feral pigeons, and subjecting violators to existing penalties.

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

**House File 328**, by Garman, a bill for an act relating to transactions subject to a local option sales and services tax and providing

that a local option sales and services tax shall not be applied in certain locations where delivery is made.

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

**House File 329**, by Shoultz, a bill for an act relating to the name of and liabilities arising from activities of the small business assistance center at the University of Northern Iowa.

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

**House File 330**, by Halvorson of Webster and Hammond, a bill for an act relating to the speed limit for motor trucks and truck tractors and providing for the Act's applicability.

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

**House File 331**, by committee on agriculture, a bill for an act relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties.

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

**House File 332**, by committee on transportation, a bill for an act allowing a physician, as defined in section 135.1, to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 128**, by committee on judiciary, a bill for an act relating to the collection and compilation of information regarding juvenile court activities.

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

**Senate File 152**, by committee on state government, a bill for an act relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, 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 13, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 72, a bill for an act relating to the notification of the city development board of public hearings for proposed urban revitalization plans.

Also: That the Senate has on February 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 118, a bill for an act relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce.

Also: That the Senate has on February 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 120, a bill for an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

Also: That the Senate has on February 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 153, a bill for an act relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and exempting certain nonprofit intermediate care facilities from the sales, service, and use tax.

JOHN F. DWYER, Secretary

### PRESENTATION OF IOWA ANGUS QUEEN

Stueland of Clinton presented to the House Tonya Hansen, Iowa Angus Queen. Tonya, who is from Wheatland, Iowa, was accompanied by her mother and is the granddaughter of Representative Stueland.

The House rose and expressed its welcome.

### PRESENTATION OF FFA OFFICERS

Beaman of Clarke presented to the House Timothy Teel of Osceola and Perry Mogler of Alford, President and Vice President of the Iowa Future Farmers of America.

Timothy and Perry are students at Iowa State University majoring in agriculture and were here to invite the legislature to attend the FFA Legislative Symposium on February 23.

The House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:29 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

IMMEDIATE MESSAGE  
(House File 17)

Arnould of Scott asked and received unanimous consent that House File 17 be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 6

Holveck of Polk called up for consideration House Resolution 6 as follows:

1                   HOUSE RESOLUTION 6  
2                   BY COMMITTEE ON ETHICS  
3 A Resolution to amend the rules governing lobbyists in the  
4 House of Representatives.  
5 *Be It Resolved By The House Of Representatives,*  
6 That the HOUSE RULES GOVERNING LOBBYISTS be amended to  
7 read as follows:  
8                   HOUSE RULES GOVERNING LOBBYISTS  
9           1. DEFINITIONS OF TERMS. As used in these rules,  
10 the word "gift" and the phrases "immediate family  
11 members" and "public disclosure" have the meaning  
12 provided in section 68B.2 of the Code and "person" has  
13 the meaning provided in section 4.1 of the Code.  
14           1. 2. Definitions: DEFINITION OF LOBBYIST. a.  
15 For the purposes of these rules, "lobbyist" is defined  
16 as means a person who does any of the following:  
17           (1) a. Is paid Receives compensation or  
18 reimbursement of expenses to encourage the passage,  
19 defeat, or modification of legislation or to influence  
20 the decisions of members of a legislative committee or  
21 subcommittee which relate to legislation.  
22           (2) Expend money in an attempt to encourage the  
23 passage, defeat, or modification of legislation.  
24           (3) b. Represents an organization which has as one  
25 of its purposes the encouragement of the passage,  
26 defeat, or modification of legislation or influencing  
27 the decisions of the members of a legislative  
28 committee or subcommittee which relate to legislation.  
29           (4) c. Is a federal, state, or local official or  
30 employee who represents representing the official

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1 position of his or her the official's or employee's  
2 department, commission, board, or agency, and who  
3 attempts to encourage the passage, defeat, or  
4 modification of legislation or to influence the  
5 decisions of the members of a legislative committee or  
6 subcommittee which relate to legislation.  
7           b. 3. EXCEPTIONS. The term "lobbyist" shall not  
8 include within its definition "Lobbyist" does not mean

9 the following:

10 (1) a. Designated representatives of political  
11 parties organized in the this state of Iowa and  
12 representing which represent more than two percent of  
13 the total votes cast for governor or president in the  
14 preceding general election, but only when representing  
15 the political party in an official capacity.

16 (2) b. Representatives of the news media engaged  
17 only, but only when engaged in the reporting and  
18 disseminating of news and editorial comment to the  
19 general public.

20 (3) c. Officials and employees of federal, state,  
21 and local government who in the course of their  
22 official duties submit legislation or amendments to a  
23 representative, or a house committee or subcommittee,  
24 or who are requested or required to provide  
25 information to a representative, or who are requested  
26 or required to appear before a house committee or  
27 subcommittee, and who do not encourage the passage,  
28 defeat, or modification of legislation.

29 (4) d. Any elected state official.

30 (5) e. Constituents of a legislator in lobbying

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1 their legislator.

2 f. Legislative interns approved by the chief clerk  
3 of the house.

4 g. Any person who does not receive compensation or  
5 reimbursement for expenses for lobbying or whose  
6 activities are limited to formal appearances to give  
7 testimony at public sessions of committees of the  
8 house of representatives or public hearings of state  
9 agencies and whose appearance, as a result of  
10 testifying, is recorded in the records of the  
11 committee or agency.

12 **2. 4. REGISTRATION REQUIRED.** All lobbyists shall  
13 on or before the day their lobbying activity begins,  
14 register with the chief clerk of the house by filing a  
15 lobbyist registration form statement listing the  
16 following:

17 a. Name, permanent business and residential  
18 addresses, temporary residential and business  
19 addresses during the legislative session, if any; and  
20 their telephone numbers.

21 b. The name and address of each individual,  
22 company, firm, corporation, union, association, or  
23 cause for which the person lobbyist lobbies.

24 c. The general subjects of legislation in which  
25 the lobbyist is or may be interested, the file number  
26 of the bills and resolutions and the bill number of  
27 study bills, (if known), which will be lobbied,

28 whether the lobbyist intends to lobby for or against  
29 each bill, resolution, or study bill, (if known), and  
30 on whose behalf the lobbyist is lobbying the bill,

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1 resolution, or study bill.

2 Any change in or addition to the information  
3 required by this rule shall be registered with the  
4 chief clerk of the house within ten days from the time  
5 the change or addition is known to the lobbyist.

6 Only one registration statement need be filed by a  
7 lobbyist, even if the lobbyist represents more than  
8 one client.

9 5. CANCELLATION OF REGISTRATION. If a lobbyist's  
10 service on behalf of a particular employer, client, or  
11 cause is concluded prior to the end of the calendar  
12 year, the lobbyist shall cancel the registration on  
13 appropriate forms supplied by the chief clerk of the  
14 house. Upon cancellation of registration, a person is  
15 prohibited from engaging in any lobbying activity on  
16 behalf of that particular employer, client, or cause  
17 until reregistering and complying with these rules. A  
18 lobbyist's registration is valid for the calendar  
19 year.

20 3. 6. PUBLIC ACCESS. All information filed under  
21 these rules shall be is a public record and open to  
22 public inspection at any reasonable time.

23 4. 7. GOVERNMENT OFFICIALS. Employees of federal,  
24 state, and local government offices who are designated  
25 representatives of their agency shall not lobby on  
26 behalf of such their offices without a letter of  
27 authorization from such office their respective  
28 offices.

29 8. CHARGE ACCOUNTS. Lobbyists and the  
30 organizations they represent shall not allow members

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1 of the house to charge any amounts or items to a  
2 charge account to be paid for by those lobbyists or by  
3 the organizations they represent.

4 5. 9. ACCESS TO HOUSE FLOOR. Lobbyists shall only  
5 be permitted on the floor of the house pursuant to  
6 rule 20 of the rules of the house.

7 6. 10. FEE OR BONUS PROHIBITED. A fee or bonus  
8 shall not be paid to any lobbyist with reference to  
9 any legislative action that is conditioned wholly or  
10 in part upon the results attained by the lobbyist.

11 7. 11. OFFERS OF ECONOMIC OR INVESTMENT  
12 OPPORTUNITY. A lobbyist, or employer of a lobbyist,  
13 shall not offer economic or investment opportunity or  
14 promise of employment to any member of the house with

15 intent to influence conduct in the performance of  
16 official duties.

17 8. 12. PERSONAL OR FINANCIAL OBLIGATION. A  
18 lobbyist shall not do anything with the purpose of  
19 placing a member of the house under personal or  
20 financial obligation to a lobbyist or a lobbyist's  
21 principal or agent.

22 9. 13. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT.  
23 A lobbyist shall not cause or influence the  
24 introduction of any bill or amendment for the purpose  
25 of thereafter being employed to secure its passage or  
26 defeat.

27 10. 14. CAMPAIGN SUPPORT. A lobbyist shall not  
28 influence or attempt to influence a member's actions  
29 by the promise of financial support for the member's  
30 candidacy or threat of financial support of the for an

**Page 6**

1 opposition candidate.

2 11. 15. COMMUNICATION WITH MEMBER'S EMPLOYER  
3 PROHIBITED. A lobbyist shall not communicate with a  
4 member's employer for the purpose of influencing a  
5 vote of the member.

6 12. 16. EXCESS PAYMENTS. A lobbyist shall not pay  
7 or agree to pay to a member a price, fee,  
8 compensation, or other consideration for the sale or  
9 lease of any property or the furnishing of services  
10 which is substantially in excess of that which other  
11 persons in the same business or profession would  
12 charge in the ordinary course of business.

13 13. As used in these rules, the word "gift" and  
14 the phrases "immediate family member" and "public  
15 diselclosure" have the meaning provided in section 68B.2  
16 of the Code and "person" has the meaning provided in  
17 section 4.1 of the Code.

18 14. 17. REPORTING OF GIFTS.

19 a. A person who provides a gift or series of gifts  
20 which exceeds fifteen dollars in cumulative value in  
21 any one calendar day to any member, officer, or  
22 employee of the house or the immediate family members  
23 of a member, officer, or employee of the house shall  
24 file a report, on the prescribed form, of the gift to  
25 with the chief clerk of the house. The report shall  
26 show the nature, amount, date, donee, and donor of the  
27 gift. If more than one person shares in the expense  
28 of providing a gift or series of gifts which exceeds  
29 fifteen dollars in cumulative value in any one  
30 calendar day and which is required to be reported,

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1 each of the persons sharing in the expense shall

2 report the gift to the chief clerk of the house as  
 3 provided in section 68B.11 of the Code regardless of  
 4 the amount of the person's share of the expense.  
 5 b. A person who provides a gift or series of gifts  
 6 to a member, officer, or employee of the house or the  
 7 immediate family members of a member, officer, or  
 8 employee of the house shall ~~report~~ provide a copy of  
 9 the report filed with the chief clerk of the house to  
 10 the member, officer, or employee stating the value of  
 11 each gift which is required to be reported by the  
 12 member, officer, or employee by the fifteenth tenth  
 13 day of the month following the month in which a gift  
 14 is provided.  
 15 15. c. Persons who provide gifts to members,  
 16 officers and employees of the house and their  
 17 immediate families shall include in the report to the  
 18 chief clerk of the house the monthly total of all  
 19 gifts made by the person, and the employer or  
 20 employers, regardless of the dollar value, including  
 21 the total of each of the following listed separately:  
 22 a. (1) Food and beverage.  
 23 b. (2) Entertainment, including the cost of a  
 24 hospitality room.  
 25 e. (3) Travel.  
 26 d. (4) Recreation expense.  
 27 e. (5) Lodging expense.  
 28 f. (6) Other gifts, (including the nature of the  
 29 gift) gifts.  
 30 d. Persons who host a group event to which all

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1 members of the house or all members of both houses  
 2 have been invited shall file a report with the chief  
 3 clerk of the house, separately for each event, listing  
 4 the date, location, and total expense incurred by the  
 5 donor or donors for food, beverages, registration, and  
 6 scheduled entertainment.  
 7 16. e. The reports required to be filed with the  
 8 chief clerk of the house under rules 16 and 17 this  
 9 rule shall be filed in the office of the chief clerk  
 10 by the ~~twentieth~~ fifteenth day of the month following  
 11 the month in which a gift is provided which is  
 12 required to be reported or in which an event is  
 13 hosted.  
 14 17. 18. FINANCIAL TRANSACTIONS. Each lobbyist  
 15 shall report any financial transaction with a value of  
 16 at least five hundred dollars between the lobbyist, or  
 17 a principal or agent of the lobbyist, and a member of  
 18 the house, a ~~member of the house's~~ house member's  
 19 immediate family, or a business with which the member  
 20 or the member's family is associated. Each report

21 shall include all of the following:

- 22 1. a. The date of the transaction.
- 23 2. b. The nature of the transaction.
- 24 3. c. The parties to the transaction.
- 25 4. d. The amount involved in the transaction.

26 A financial transaction does not include a  
 27 transaction undertaken in the ordinary course of  
 28 business of a lobbyist if the primary business of the  
 29 lobbyist is something other than lobbying, if  
 30 consideration of equal or greater value is received by

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1 the lobbyist, and if fair market value is given or  
 2 received for the benefit conferred.

3 The report shall be filed in the office of the  
 4 chief clerk of the house by the twentieth fifteenth  
 5 day of the month following the month in which the  
 6 financial transaction takes place.

7 ~~18.~~ 19. GIFT LIMITS. A person is prohibited from  
 8 providing a gift or series of gifts to a member,  
 9 officer, or employee of the house which has a  
 10 cumulative value of fifty thirty-five dollars or more  
 11 in any one calendar day, pursuant to section 68B.5 of  
 12 the Iowa Code.

13 19- 20. REPORTING OF HONORARIA. A lobbyist, or an  
 14 organization which a lobbyist represents that has as  
 15 one of its purposes the encouragement of the passage,  
 16 defeat, or modification of legislation, shall report  
 17 the amount of any honorarium paid to a member,  
 18 officer, or employee of the house for a speaking  
 19 engagement or other formal public appearance in the  
 20 official capacity of the member, officer, or employee.  
 21 The report shall be filed in the office of the chief  
 22 clerk of the house by the twentieth fifteenth day of  
 23 the month following the month in which the honorarium  
 24 is paid.

25 20- 21. COMPLAINTS. The procedures for complaints  
 26 and enforcement of these rules shall be the same as  
 27 those provided in the house code of ethics.

28 21- 22. REPORTS AND FORMS. The chief clerk of the  
 29 house, subject to the approval of the house ethics  
 30 committee, shall prescribe procedures for compliance

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1 with these rules, and shall prepare forms for the  
 2 filing of these reports and make them available to any  
 3 person who is required to file a report. The reports  
 4 filed with the chief clerk of the house shall be  
 5 maintained by the chief clerk of the house and be  
 6 available for public inspection as provided in chapter  
 7 22 of the Code. The committee on ethics may authorize

8 the chief clerk of the house to prepare and make  
 9 available to the public an annual summary of the  
 10 reports filed with the chief clerk of the house under  
 11 these rules.

Trent of Muscatine asked and received unanimous consent to withdraw amendment H—3118 filed by him on February 9, 1989.

On motion by Holveck of Polk, House Resolution 6 was adopted.

### ADOPTION OF HOUSE RESOLUTION 7

Holveck of Polk called up for consideration House Resolution 7 as follows:

1 HOUSE RESOLUTION 7

2 BY COMMITTEE ON ETHICS

3 A Resolution to amend the House code of ethics.

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

5 That the HOUSE CODE OF ETHICS be amended to read as  
 6 follows:

7 HOUSE CODE OF ETHICS

8 PREAMBLE. Every legislator and legislative  
 9 employee has a duty to uphold the integrity and honor  
 10 of the general assembly, to encourage respect for the  
 11 law and for the general assembly, and to observe the  
 12 house code of ethics. Each member and employee of the  
 13 house has a responsibility to conduct herself or  
 14 himself so as to reflect credit on the general  
 15 assembly, to inspire the confidence, respect, and  
 16 trust of the public. Recognizing that members of the  
 17 General Assembly are honorable citizens who are active  
 18 in the business, religious and public service affairs  
 19 of their community, state, and nation, the The  
 20 following rules were are adopted pursuant to chapter  
 21 68B of the Code, to assist the members and employees  
 22 in the conduct of their legislative affairs. The  
 23 definitions of terms provided in chapter 68B apply to  
 24 the use of those terms in this resolution. activities:

25 1. DEFINITIONS. The definitions of terms provided  
 26 in chapter 68B of the Code apply to the use of those  
 27 terms in these rules.

28 1 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF  
 29 HOUSE.

30 a. Economic or investment opportunity. A member

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1 or employee of the house shall not accept economic or  
 2 investment opportunity under circumstances where the  
 3 member or employee knows, or should know, that there  
 4 is a reasonable possibility that the opportunity is  
 5 being afforded with the intent to influence the

6 member's or employee's conduct in the performance of  
 7 official duties. If a member or employee of the house  
 8 learns that an economic or investment opportunity  
 9 previously accepted was offered with the intent of  
 10 influencing the member's or employee's conduct in the  
 11 performance of the official duties, the member or  
 12 employee shall take steps to divest that member or  
 13 employee of that investment or economic opportunity,  
 14 and shall report the matter in writing to the  
 15 chairperson of the house ethics committee.

16 2. b. Excessive charges for services, goods, or  
 17 property interests. A member or employee of the house  
 18 shall not charge to or accept from a person known to  
 19 have a legislative interest, a price, fee,  
 20 compensation, or other consideration for the sale or  
 21 lease of any property or the furnishing of services  
 22 which is in excess of that which the member or  
 23 employee would ordinarily charge another person.

24 3. c. Use of confidential information. A member  
 25 or employee of the house, in order to further the  
 26 member's or employee's own economic interests, or  
 27 those of any other person, shall not disclose or use  
 28 confidential information acquired in the course of the  
 29 member's or employee's official duties. For the  
 30 purpose of this rule, information disclosed in open

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1 session at a public meeting under chapter 21 and  
 2 information that is a public record under chapter 22  
 3 is not confidential information.

4 d. Employment. A member or employee of the house  
 5 shall not accept employment, either directly or  
 6 indirectly, from a political action committee.  
 7 However, this paragraph shall not prohibit a member or  
 8 employee of the house from working for a candidate's  
 9 committee, a political party's action committee, or a  
 10 political action committee which does not support or  
 11 oppose a candidate for public office in this state or  
 12 a ballot issue in this state and which is not  
 13 interested in issues before the general assembly.

14 For the purpose of this rule, a political action  
 15 committee means a committee, but not a candidate's  
 16 committee, which accepts contributions, makes  
 17 expenditures, or incurs indebtedness in the aggregate  
 18 of more than two hundred fifty dollars in any one  
 19 calendar year for the purpose of supporting or  
 20 opposing a candidate for public office or a ballot  
 21 issue or for the purpose of influencing legislative  
 22 action.

23 e. A member or employee of the house shall not  
 24 solicit employment on behalf of the member or

25 employee, or on behalf of another legislator or  
 26 employee, as a lobbyist while the general assembly is  
 27 in session.

28 4. 3. APPEARANCE BEFORE STATE AGENCY. A member  
 29 or employee of the house may appear before a state  
 30 agency in any representation case. Whenever a member

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1 or employee of the house appears before a state  
 2 agency, the member or employee shall carefully avoid  
 3 all conduct which might in any way lead members of the  
 4 general public to conclude that the member or employee  
 5 is using the member's or employee's official position  
 6 to further the member's or employee's professional  
 7 success or general personal financial interest.

8 4A. Any dress code adopted by any other body  
 9 applies to members of that body when they are in the  
 10 house chamber and the dress code shall be enforced by  
 11 the house of representatives sergeant at arms.

12 5. 4. CONFLICTS OF INTEREST. In order to permit  
 13 for the general assembly to function effectively,  
 14 members of the house will, of necessity, may be  
 15 required to vote on bills and participate in committee  
 16 work which will affect their employment and other  
 17 areas in which they may have a monetary interest.  
 18 Action on bills and in committee work which  
 19 specifically deal deals with a member's specific  
 20 employment or specific investment, as opposed to a  
 21 profession, trade, or business in general, should be  
 22 avoided. In making a decision relating relative to a  
 23 member's activity on particular bills or in committee  
 24 work which are subject to this code, the following  
 25 factors should be considered:

26 a. Whether a substantial threat to the member's  
 27 independence of judgment has been created by the  
 28 conflict situation.

29 b. The effect of the member's participation on  
 30 public confidence in the integrity of the legislature

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1 general assembly.

2 c. Whether the member's participation is likely to  
 3 have any significant effect on the disposition of the  
 4 matter.

5 d. The need for the member's particular  
 6 contribution, such as special knowledge of the subject  
 7 matter, to the effective functioning of the  
 8 legislature general assembly.

9 If a member decides not to participate in committee  
 10 work or to abstain from voting because of a possible  
 11 conflict of interest, the member should disclose this

12 fact to the legislative body. The member may,  
 13 however, decide to participate in a manner which is  
 14 contrary to the member's economic interest which  
 15 creates the conflict situation, but if the member  
 16 abstains, the member should disclose that fact to the  
 17 legislative body.

18 A member with a conflict of interest may  
 19 participate in floor debate if prior to the debate,  
 20 the member discloses the conflict of interest.

21 6. 5. STATUTORY REQUIREMENTS. Members and  
 22 employees of the house are urged to familiarize  
 23 themselves with chapters 68B, 721 and, 722, and  
 24 section 711.4 of the Code.

25 7. 6. CHARGE ACCOUNTS. Members and employees of  
 26 the house shall not charge any amount or item to a  
 27 charge account held in the name of to be paid for by a  
 28 lobbyist or any organization represented by a lobbyist  
 29 represents.

30 7. TRAVEL EXPENSES. A member or employee of the

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1 house shall not charge to the state of Iowa amounts  
 2 for travel and expenses unless the member or employee  
 3 actually has incurred those mileage and expense costs.  
 4 Members or employees shall not file the vouchers for  
 5 weekly mileage reimbursement required by section 2.10,  
 6 subsection 1, unless the travel expense was actually  
 7 incurred.

8 8. DISCLOSURE REQUIRED. Members, officers and  
 9 employees A member, officer, or employee of the house  
 10 shall file a report with the chief clerk of the house  
 11 of the acceptance from any one donor of any gift or  
 12 series of gifts made to them the member, officer, or  
 13 employee or to each an immediate family member which  
 14 exceeds fifteen dollars in cumulative value during any  
 15 one calendar day. The report shall list the nature,  
 16 date, and donor of the gift. However, the reporting  
 17 of food and beverage for immediate consumption in the  
 18 presence of the donor is not required.

19 The reports shall be filed in the office of the  
 20 chief clerk of the house by the ~~twentieth~~ fifteenth  
 21 day of the month following the month in which a gift  
 22 is provided which is required to be reported. Subject  
 23 to the approval of the committee on ethics, the chief  
 24 clerk of the house shall prepare forms for the filing  
 25 of these reports and make them available to any person  
 26 who is required to file a report. The reports filed  
 27 shall be maintained by the chief clerk of the house  
 28 and be available for public inspection as provided in  
 29 chapter 22 of the Code. The committee on ethics may  
 30 authorize the chief clerk of the house to prepare and

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1 make available to the public an annual summary of the  
2 reports filed under this rule.

3 **9. COMPLAINTS.**

4 a. Filing of complaint. A complaint under these  
5 rules or under section 68B.10, subsection 4, of the  
6 Code against any member or employee of the house or a  
7 lobbyist operating in the house shall be in writing,  
8 made under oath, and filed with the chairperson of the  
9 ethics committee of the house. A complaint shall  
10 specify the person or persons against whom the  
11 complaint is made, the date and location of any event,  
12 incident or transaction involved, the connection of  
13 the event, incident or transaction with the official  
14 position of any accused member or employee or with the  
15 lobbying activities of any accused lobbyist, and the  
16 facts or evidence on which the complainant relies, and  
17 the section in the code of ethics, rules governing  
18 lobbyists, or Code section or chapter which is alleged  
19 to have been violated. The complainant shall attach  
20 to the complaint a copy of any relevant document.

21 Complaints may be filed by any person believing  
22 that a member or employee of the house or lobbyist is  
23 guilty of a violation of the house code of ethics, the  
24 house rules governing lobbyists, or chapter 68B of the  
25 Code.

26 Complaint forms shall be available from the chief  
27 clerk of the house, and the chairperson of the ethics  
28 committee, but a complaint shall not be rejected for  
29 failure to use the approved form if it complies with  
30 the requirements of these rules.

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1 The ethics committee may, upon its own motion,  
2 initiate a complaint, investigation, or disciplinary  
3 action.

4 A complaint shall be considered to be timely filed  
5 if it is filed within forty-five days from the time  
6 the complainant knew or should have known about the  
7 alleged unethical or illegal conduct.

8 b. Probable cause investigation and hearing. Upon  
9 the receipt of a complaint in proper form, the  
10 committee shall accept it for filing as a public  
11 record. A copy of the complaint shall be delivered  
12 The chairperson of the ethics committee shall deliver  
13 by certified mail, return receipt requested, to the  
14 person or persons accused, a copy of the complaint and  
15 any supporting information. The accused person shall  
16 be requested to submit a written response to the  
17 complaint within ten days. At the request of the  
18 accused person and upon a showing of good cause, the

19 committee may extend the time for the response, not to  
 20 exceed ten additional calendar days. The After the  
 21 expiration of the ten days, or the extension, the  
 22 committee shall then conduct such investigation as it  
 23 deems appropriate, including but not limited to,  
 24 requesting additional information from the complainant  
 25 and the accused person and reviewing the complaint and  
 26 relevant information.

27 The ethics committee may employ independent legal  
 28 counsel to assist it in carrying out its duties with  
 29 the approval of the house when the general assembly is  
 30 in session and with the approval of the speaker or the

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1 majority leader of the house when the general assembly  
 2 is not in session.

3 During the committee's investigation, the accused  
 4 person may request in writing to the chairperson that  
 5 the ethics committee convene to receive testimony from  
 6 the accused person. If so requested by the accused  
 7 person, the ethics committee shall convene not less  
 8 than three nor more than ten days after the  
 9 notification of by the accused person that a complaint  
 10 has been filed the accused person wishes to testify.  
 11 However, the accused person may waive the deadlines  
 12 for the convening of the committee. When its  
 13 investigation is complete, the committee shall  
 14 determine whether probable cause exists to believe  
 15 that a violation of law or rule within its authority  
 16 under section 68B.10, subsection 4, of the Code has  
 17 occurred. If probable cause is not found, the  
 18 complaint shall be dismissed and the parties notified  
 19 accordingly. If probable cause is found, the  
 20 complaint shall be set for hearing on notice to the  
 21 accused. The notice shall be in writing and delivered  
 22 either by personal service as in civil cases or by  
 23 certified mail return receipt requested schedule a  
 24 probable cause hearing.

25 At the probable cause hearing the accused person  
 26 may appear, present evidence, and cross-examine  
 27 witnesses. All testimony at the hearing shall be  
 28 under oath.

29 c. Formal hearing. If probable cause is found at  
 30 the probable cause hearing, the complaint shall be set

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1 for hearing on notice to the accused person. The  
 2 notice shall be in writing and delivered either by  
 3 personal service as in civil cases or by certified  
 4 mail, return receipt requested.

5 The notice shall include a statement of the nature

6 of the charge, a statement of the time and place of  
7 hearing, a short and plain statement of the facts  
8 asserted, and a statement of the rights of the accused  
9 person to be present and to be heard in person and by  
10 counsel, to cross-examine witnesses, and to present  
11 evidence.

12 Evidence at the hearing will shall be received in  
13 accordance with procedures in ordinary civil cases.  
14 The Iowa rules of evidence will apply. Counsel  
15 Independent counsel designated by the committee will  
16 shall present the evidence in support of the  
17 complaint. The burden shall be on the complainant to  
18 prove the charge by a preponderance of clear and  
19 convincing evidence. Upon completion of the hearing,  
20 the committee shall adopt written findings of fact and  
21 conclusions concerning the merits of the complaint and  
22 make its report and recommendation to the house.

23 The committee shall recommend to the house that the  
24 complaint be dismissed, or that one or more of the  
25 following be imposed:

26 (1) That the member or employee of the house or  
27 lobbyist be censured or reprimanded, and the  
28 recommended appropriate form of censure or reprimand  
29 be used.

30 (2) That the member of the house be suspended or

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1 expelled from membership in the house and required to  
2 forfeit the member's salary for that period, the  
3 employee of the house be suspended or dismissed from  
4 employment, or that the lobbyist's lobbying privileges  
5 be suspended.

6 10. PERMANENT RECORD. The chief clerk of the  
7 house shall maintain a permanent record of all  
8 complaints filed. The permanent record shall be  
9 prepared by the ethics committee and shall contain the  
10 date the complaint was filed, name and address of the  
11 complainant, name and address of the accused person, a  
12 brief statement of the charges made, and ultimate  
13 disposition of the complaint. The chief clerk shall  
14 keep each complaint confidential until public  
15 disclosure is made by the ethics committee.

16 11. MEETING AUTHORIZATION. The house ethics com-  
17 mittee is authorized to meet one time at the  
18 discretion of the committee chairperson during the  
19 time the general assembly is not in session in order  
20 to conduct hearings and other business that properly  
21 may come before it. Additional meetings of the  
22 committee during the time the general assembly is not  
23 in session shall require the authorization of the  
24 speaker or the majority leader of the house. However,

25 authorization may be given at any time for as many  
 26 meetings as the speaker or the majority leader deems  
 27 necessary. If the committee submits a report seeking  
 28 house action against a member or employee of the house  
 29 or lobbyist after the second regular session of a  
 30 general assembly has adjourned sine die, the report

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1 shall be submitted to and considered by the subsequent  
 2 general assembly.  
 3 ~~10.~~ 12. ADVISORY OPINIONS. Advisory opinions may  
 4 be rendered as set out in section 68B.10 of the Code  
 5 upon request of a member of the general assembly.

The House stood at ease at 4:38 p.m., until the fall of the gavel.

The House resumed session and consideration of House Resolution 7 at 5:24 p.m., Speaker Avenson in the chair.

Spear of Lee offered the following amendment H—3115 filed by him and moved its adoption:

H—3115

1 Amend House Resolution 7 as follows:  
 2 1. Page 1, line 15, by striking the word “, to”  
 3 and inserting the following: “and to”.

Amendment H—3115 was adopted.

Connors of Polk offered amendment H—3127 filed by him and Shultz of Black Hawk. Division was requested as follows:

H—3127

1 Amend House Resolution 7, as follows:

H—3127A

2 1. Page 1, by striking lines 8 through 16 and  
 3 inserting the following: “Recognizing that members of  
 4 the”.

H—3127B

5 2. Page 3, by striking lines 23 through 27.

Connors of Polk moved the adoption of amendment H—3127A.

A non-record roll call was requested.

The ayes were 30, nays 44.

Amendment H—3127A lost.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—3124.

The House resumed consideration of amendment H—3127B.

On motion by Connors of Polk, amendment H—3127B lost.

McKean of Jones offered the following amendment H—3110 filed by him and moved its adoption:

H—3110

- 1 Amend House Resolution 7 as follows:
- 2 1. Page 3, by inserting after line 27, the
- 3 following:
- 4 "f. A member or employee of the house shall not be
- 5 employed as a lobbyist for a period of one year after
- 6 the member or employee leaves office or employment in
- 7 the house."

Amendment H—3110 lost.

Garman of Story offered the following amendment H—3116 filed by her and moved its adoption:

H—3116

- 1 Amend House Resolution 7 as follows:
- 2 1. Page 3, by inserting after line 27 the
- 3 following:
- 4 "f. Political action committee funds. A member
- 5 shall not represent or publicly claim that the member
- 6 does not take political action committee money when
- 7 the member has accepted contributions from individuals
- 8 or organizations which take political action committee
- 9 money."

Roll call was requested by Stromer of Hancock and Harbor of Mills.

On the question "Shall amendment H—3116 be adopted?"  
(H.R. 7)

The ayes were, 42:

Banks	Beaman	Bennett	Brand
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Johnson
Kistler	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Rosenberg
Royer	Schnekloth	Shoning	Siegrist

Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Hibbard
Holveck	Jay	Jesse	Jochum
Knapp	Koenigs	Lageschulte	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poney	Renaud
Schrader	Shearer	Sherzan	Shultz
Spear	Svoboda	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Blanshan	Haverland	Mertz	Swartz
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Amendment H—3116 lost.

Neuhauser of Johnson offered the following amendment H—3120 filed by her:

H—3120

- 1 Amend House Resolution 7 as follows:
- 2 1. Page 6, by inserting after line 7 the
- 3 following:
- 4 “A member or employee of the house shall not file a
- 5 claim for per diem compensation for a meeting of an
- 6 interim study committee or a visitation committee
- 7 unless the member or employee attended the meeting.”

Hanson of Delaware offered the following amendment H—3158, to amendment H—3120, filed by him from the floor and moved its adoption:

H—3158

- 1 Amend the amendment H—3120, to House Resolution 7
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 “meeting,” the following: “However, the Speaker
- 5 may waive this provision and allow a claim to be
- 6 filed if the member or employee attempted to attend
- 7 the meeting but was unable to do so because of
- 8 circumstances beyond the member’s or employee’s
- 9 control.”

Amendment H—3158 was adopted.

Connors of Polk in the chair at 6:16 p.m.

Halvorson of Clayton offered the following amendment H—3159, to amendment H—3120, filed by him from the floor and moved its adoption:

H—3159

- 1 Amend the amendment H—3120, to House Resolution 7
- 2 as follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "unless" the following: "the meeting lasted
- 5 at least four hours and".

A non-record roll call was requested.

The ayes were 34, nays 50.

Amendment H—3159 lost.

On motion by Neuhauser of Johnson, amendment H—3120, as amended, was adopted.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, for the remainder of the day, on request of Clark of Cerro Gordo.

McKean of Jones offered the following amendment H—3109 filed by him:

H—3109

- 1 Amend House Resolution 7, as follows:
- 2 1. Page 11, line 17, by striking the words "one
- 3 time".
- 4 2. Page 11, by striking lines 21 through 27, and
- 5 inserting the following: "may come before it. If the
- 6 committee submits a report seeking".

Speaker Avenson in the chair at 6:47 p.m.

McKean of Jones offered the following amendment H—3119, to amendment H—3109, filed by him and moved its adoption:

H—3119

- 1 Amend amendment H—3109, to House Resolution 7, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 6 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 11, line 18, by inserting after the
- 6 word "chairperson" the following: "or upon the
- 7 petition of three members of the committee, submitted

- 8 to the chairperson.”  
 9 \_\_\_\_\_. Page 11, by striking lines 21 through 27 and  
 10 inserting the following: “may come before it.  
 11 Members of the committee shall be permitted to receive  
 12 per diem and expenses authorized by the speaker of the  
 13 house. If the committee submits a report seeking”.”

Roll call was requested by McKean of Jones and Hermann of Scott.

Rule 75 was invoked.

On the question “Shall amendment H—3119 be adopted?” (H.R. 7)

The ayes were, 45:

Banks	Beaman	Bennett	Brammer
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Jay	Johnson
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Osterberg	Pellett	Petersen, D. F.	Plasier
Renken	Rosenberg	Royer	Schnekloth
Shearer	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Hibbard	Holveck
Jesse	Jochum	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 5:

Blanshan	Doderer	Garman	Haverland
Mertz			

Amendment H—3119 lost.

McKean of Jones moved the adoption of amendment H—3109.

Roll call was requested by McKean of Jones and Stromer of Hancock.

On the question "Shall amendment H—3109 be adopted?"  
(H.R. 7)

The ayes were, 43:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Jay	Johnson
Kistler	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Osterberg
Pellett	Petersen, D. F.	Plasier	Renken
Rosenberg	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Hammond	Harper
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 8:

Blanshan	Doderer	Garman	Gruhn
Hatch	Haverland	Lageschulte	Mertz

Amendment H—3109 lost.

Hermann of Scott offered the following amendment H—3113 filed by him and moved its adoption:

H—3113

- 1 Amend House Resolution 7 as follows:
- 2 1. Page 11, by striking lines 23 and 24, and
- 3 inserting the following: "in session shall be held
- 4 upon the written request of two or more members of the
- 5 committee. However,".

A non-record roll call was requested.

The ayes were 28, nays 48.

Amendment H—3113 lost.

Hanson of Delaware asked and received unanimous consent to withdraw amendment H—3124 (previously deferred), filed by him on February 9, 1989.

Holveck of Polk moved the adoption of House Resolution 7, as amended.

A non-record roll call was requested.

The ayes were 61, nays 29.

House Resolution 7, as amended, was adopted.

### CONSIDERATION OF BILLS Regular Calendar

**House File 272**, a bill for an act relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date, was taken up for consideration.

Lykam 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. 272)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
May	McKean	McKinney	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy

Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 1:

Maulsby

Absent or not voting, 7:

Blanshan	Garman	Hatch	Haverland
Lageschulte	Mertz	Miller	

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:

Bigignano of Polk, for the remainder of the day, on request of Arnould of Scott.

**House File 273**, a bill for an act relating to economic development corporations in Iowa, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 273)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth

Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Bisignano	Blanshan	Doderer	Garman
Hatch	Haverland	Lageschulte	Mertz
Miller			

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

**House File 274**, a bill for an act providing minimum qualifications for the office of county sheriff, was taken up for consideration.

Lundby of Linn offered the following amendment H—3148 filed by her and Corbett of Linn:

H—3148

1 Amend House File 274 as follows:  
 2 1. Page 2, by striking lines 4 and 5 and  
 3 inserting the following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 331.501A QUALIFICATIONS  
 5 OF AUDITOR.  
 6 1. A person is not eligible to serve as a county  
 7 auditor unless the person meets all of the following  
 8 qualifications:  
 9 a. The person is at least twenty-one years of age.  
 10 b. The person has at least two years' experience  
 11 as a certified public accountant.  
 12 c. The person has earned a certificate of  
 13 certified public accountant granted by the accountancy  
 14 examining board or possesses all of the qualifications  
 15 required by the accountancy examining board to be cer-  
 16 tificated as a certified public accountant.  
 17 2. The accountancy examining board shall adopt  
 18 rules, subject to chapter 17A, establishing procedures  
 19 for determining the eligibility of persons to be  
 20 candidates for the office or to serve as county  
 21 auditor. A potential candidate for the office of  
 22 county auditor shall submit an application for the  
 23 determination of eligibility to the accountancy  
 24 examining board at least thirty days before the  
 25 deadline for the filing of nomination petitions under  
 26 chapter 43 or 44. The application shall be on forms  
 27 provided by the accountancy examining board and

28 contain the information required by rule of the  
29 accountancy examining board. The accountancy  
30 examining board shall notify the applicant in writing  
31 of its decision on the applicant's eligibility for the  
32 office by certified mail at least ten days before the  
33 deadline for filing for office. However, in the case  
34 of a candidate seeking to fill a ballot vacancy or  
35 vacancy in the office of auditor, the accountancy  
36 examining board shall make a determination of  
37 eligibility as soon as possible after receipt of the  
38 application. An appointment to fill a ballot vacancy  
39 or vacancy in office is not final until the candidate  
40 is certified as eligible by the accountancy examining  
41 board.

42 3. The county commissioner of elections shall not  
43 place the name of a candidate for the office of  
44 sheriff on a primary or general election ballot as  
45 provided under chapter 43, 44, or 45 unless the  
46 nomination petition filed by the candidate or  
47 certification of nomination is accompanied by the  
48 certificate of eligibility issued by the accountancy  
49 examining board.

50 Sec. \_\_\_\_\_. This Act does not apply to a person

## Page 2

1 holding the office of county sheriff or county auditor  
2 on the effective date of this Act."

3 2. Title page, line 2, by inserting after the  
4 word "sheriff" the following: "and county auditor".

5 3. By renumbering as necessary.

Lundby of Linn offered the following amendment H-3160, to amendment H-3148, filed by her from the floor and moved its adoption:

### H-3160

1 Amend amendment, H-3148, to House File 274 as  
2 follows:

3 1. Page 1, line 5, by inserting after the word  
4 "AUDITOR" the following: "IN COUNTIES HAVING A  
5 POPULATION OF ONE HUNDRED THOUSAND OR MORE".

6 2. Page 1, line 6, by striking the word "A" and  
7 inserting the following: "In a county having a  
8 population of one hundred thousand or more a".

9 3. Page 1, line 44, by striking the word  
10 "sheriff" and inserting the following: "auditor".

Amendment H-3160 was adopted.

Black of Jasper rose on a point of order that amendment H—3148 was not germane.

The Speaker ruled the point well taken and amendment H—3148 not germane.

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

On the question "Shall the bill pass?" (H.F. 274)

The ayes were, 31:

Arnould	Banks	Beaman	Black
Corbett	De Groot	Diemer	Eddie
Fogarty	Fuller	Halvorson, R. A.	Hanson, D. R.
Koenigs	Lundby	Maulsby	McKinney
Muhlbauer	Ollie	Pavich	Peters
Peterson, M. K.	Renken	Royer	Schnekloth
Shearer	Sherzan	Spenner	Stromer
Stueland	Tyrrell	Mr. Speaker	
		Avenson	

The nays were, 58:

Adams	Beatty	Bennett	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Daggett	Dvorsky
Fey	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lykam
May	McKean	Metcalf	Neuhauser
Nielsen	Osterberg	Pellett	Petersen, D. F.
Plasier	Poncy	Renaud	Schrader
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise		

Absent or not voting, 11:

Bisignano	Blanshan	Doderer	Garman
Hatch	Haverland	Lageschulte	Mertz
Miller	Rosenberg	Shoning	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February

14, 1989. Had I been present, I would have voted "aye" on amendment H—3154 to House File 17 and "nay" on House File 17.

EDDIE of Buena Vista

### PRESENTATION OF VISITOR

Beatty of Warren presented to the House the Honorable James Middleswart, former member of the House representing Warren County.

### COMMUNICATIONS RECEIVED

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

#### THE DEMONSTRATION WAIVER PROJECT COMMITTEE

Recommendation and Background Information for the Iowa State Legislature on Iowa's Demonstration Waiver Project, pursuant to Chapter 10A.104(4), 1987 Code of Iowa.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

Report on the Feasibility of Local and Regional Tourism Organizations Exhibiting at the Iowa State Fair, pursuant to Chapter 1273, Section 1(2), 1988 Acts of the Seventy-second General Assembly.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 233 Judiciary and Law Enforcement**

Allowing a person to obtain an independent chemical test of alcohol concentration in relation to an allegation of operating a motor vehicle while intoxicated, providing for submission of the independent test results at an administrative hearing, and providing for the Act's applicability.

#### **H.S.B. 234 Judiciary and Law Enforcement**

Relating to the lapse of stale mineral interests.

#### **H.S.B. 235 Judiciary and Law Enforcement**

Establishing the crime of sexual misconduct with offenders, and providing a penalty.

#### **H.S.B. 236 Judiciary and Law Enforcement**

Relating to retention of a court reporter by a newly appointed judge.

#### **H.S.B. 237 Judiciary and Law Enforcement**

Relating to crime victim notification, by providing for the retention

of a copy of the presentence investigation by the county attorney, registration of all victims by the county attorney, solicitation of a victim impact statement by the county attorney, and notification to victims by various courts and executive branch agencies.

**H.S.B. 238 Judiciary and Law Enforcement**

Relating to the registration of federal liens.

**H.S.B. 239 Judiciary and Law Enforcement**

Relating to the administration of an estate and changing certain notice provisions.

**H.S.B. 240 Judiciary and Law Enforcement**

Appropriating funds to the department of corrections for sex offender treatment programs.

**H.S.B. 241 Judiciary and Law Enforcement**

Relating to obscene and pornographic material and the sexual exploitation of a minor, and providing penalties.

**H.S.B. 242 Judiciary and Law Enforcement**

Relating to harassment and providing penalties.

**H.S.B. 243 Judiciary and Law Enforcement**

Appropriating funds to the department of corrections for capital projects.

**H.S.B. 244 Judiciary and Law Enforcement**

Creating the crime of interference by an offender with the official acts of correctional officers and personnel, and providing penalties.

**H.S.B. 245 Judiciary and Law Enforcement**

Relating to the administration of small estates.

**H.S.B. 246 Judiciary and Law Enforcement**

Relating to testing a person for contagious infectious diseases while committed to the custody of the department of corrections, and providing a penalty.

**H.S.B. 247 Judiciary and Law Enforcement**

Relating to additional retirement benefits for certain employees of the Iowa department of corrections and judicial district departments of correctional services who have direct contact with offenders and are responsible for the supervision or management of offenders.

**H.S.B. 248 - Judiciary and Law Enforcement**

Relating to the priority of advances under line-of-credit mortgages.

**H.S.B. 249 Small Business and Commerce**

Relating to mortgage brokers and mortgage bankers.

**H.S.B. 250 Labor and Industrial Relations**

Relating to the coverage of real estate agents under the workers' compensation law.

## SUBCOMMITTEE ASSIGNMENTS

**House File 106**

Ways and Means: May, Chair; Connolly and Metcalf.

**House File 111**

Ways and Means: Chapman, Chair; Fey and Petersen of Muscatine.

**House File 112**

Ways and Means: Connolly, Chair; Fey and Renken.

**House File 127**

Ways and Means: Wise, Chair; Groninga and Metcalf.

**House File 154**

Ways and Means: Brand, Chair; Daggett and Doderer.

**House File 202**

Ways and Means: Tabor, Chair; Chapman and De Groot.

**House File 212**

Ways and Means: May, Chair; Brand and Petersen of Muscatine.

**House File 214**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schneklath.

**House File 230**

Ways and Means: Groninga, Chair; Hanson of Delaware and Holveck.

**House File 237**

Ways and Means: Osterberg, Chair; Bennett and Teaford.

**House File 242**

Ways and Means: Rosenberg, Chair; Chapman and Schneklath.

**House File 245**

Ways and Means: Chapman, Chair; Fey and Metcalf.

**House File 261**

Ways and Means: Doderer, Chair; Chapman and Metcalf.

**House File 264**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 265**

Ways and Means: Doderer, Chair; Chapman and Metcalf.

**House File 267**

Ways and Means: Holveck, Chair; Petersen of Muscatine and Teaford.

**House File 276**

Ways and Means: May, Chair; Brand and Petersen of Muscatine.

**House File 280**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 283**

Ways and Means: Tabor, Chair; Groninga and Renken.

**House File 285**

Ways and Means: Tabor, Chair; Chapman and Schnekloth.

**House File 286**

Ways and Means: Fey, Chair; Daggett and Groninga.

**House File 294**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 304**

Ways and Means: Teaford, Chair; Connolly and Metcalf.

**House File 306**

Ways and Means: Teaford, Chair; Metcalf and Osterberg.

**House File 313**

Local Government: Peters, Chair; McKean and Shearer.

**House File 315**

Local Government: Connors, Chair; Diemer and Hatch.

**Senate File 119**

Appropriations: McKinney, Chair; Carpenter, Corbett, Hansen of Woodbury, Peterson of Carroll, Swartz and Van Maanen.

**Senate File 123**

Appropriations: Justice System Appropriations Subcommittee.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 225**

Local Government: Muhlbauer, Chair; Black and Spenner.

## AMENDMENTS FILED

H-3156	H.F.	271	Kremer of Buchanan
H-3157	H.F.	234	Jesse of Jasper
H-3161	H.F.	271	Harbor of Mills
H-3162	S.F.	38	Black of Jasper

On motion by Arnould of Scott, the House adjourned at 7:54 p.m., until 9:00 a.m., Thursday, February 16, 1989.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 16, 1989

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

Prayer was offered by the Honorable Dennis M. Cohoon, state representative from Des Moines County.

The Journal of Wednesday, February 15, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 333**, by committee on agriculture, a bill for an act providing for the confidentiality of records submitted to the agricultural diversification bureau of the department of agriculture and land stewardship for the purposes of assisting persons in business planning.

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

**House File 334**, by Svoboda and Van Maanen, a bill for an act relating to the use of motor vehicles in this state, by requiring liability insurance coverage, allowing uninsured motorists' victims to receive moneys from the victim reparation fund, and providing penalties.

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

**House File 335**, by Tyrrell, a bill for an act relating to the publication of uniform state interpretive guidelines with rules adopted by the department of inspections and appeals regarding health care facility standards.

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

**House File 336**, by Spenner and Black, a bill for an act to prohibit the use of public funds for lobbying and to provide a penalty.

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

**House File 337**, by Hansen of Woodbury, a bill for an act relating to Iowa lottery revenues by establishing a juvenile facilities revolving loan fund and making an appropriation.

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

**House File 338**, by Hammond and Hanson of Delaware, a bill for an act relating to respiratory care practitioners.

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

**House File 339**, by Dvorsky, Adams, Connors, Neuhauser, Hibbard, Jesse, Haverland, Kremer and Clark, 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**.

**House File 340**, by Daggett, a bill for an act relating to the primary research and marketing center within the department of economic development by establishing regional economic delivery areas.

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

**House File 341**, by Halvorson of Clayton and Harbor, a bill for an act providing reimbursement for crop losses from wild turkey and deer.

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

**House File 342**, by Halvorson of Clayton and Harbor, a bill for an act relating to workers' compensation liability under the comparative fault tort law.

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

**House File 343**, by committee on human resources, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

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

**House File 344**, by committee on human resources, a bill for an act relating to the substance abuse law.

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

**House File 345**, by committee on human resources, a bill for an act to provide for county participation in medical assistance payments

for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility.

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

### SENATE MESSAGES CONSIDERED

**Senate File 118**, by committee on state government, a bill for an act relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce.

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

**Senate File 120**, by committee on transportation, a bill for an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission.

Read first time and **passed on file**.

**Senate File 153**, by committee on ways and means, a bill for an act relating to the department of inspections and appeals by providing for income tax refund and rebate setoff procedures by the investigations division, and exempting certain nonprofit intermediate care facilities from the sales, service, and use tax.

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 14, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 3, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date.

Also: That the Senate has on February 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

Also: That the Senate has on February 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 158, a bill for an act relating to demolition insurance reserves for property in cities.

Also: That the Senate has on February 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 159, a bill for an act relating to the sale or contracting for goods and services between a civil service commissioner and a city.

Also: That the Senate has on February 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 169, a bill for an act relating to the rate filing requirements of common carriers.

Also: That the Senate has on February 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 170, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

JOHN F. DWYER, Secretary

The House stood at ease at 9:17 a.m., until the fall of the gavel.

The House resumed session at 9:46 a.m., Muhlbauer of Crawford in the chair.

#### PRESENTATION OF M. D. POSTER CHILD

Connors of Polk presented to the House, Julie Knight, Muscular Dystrophy Poster Child from Spencer, Iowa.

Julie, who is eight years old, was accompanied by her parents, Mike and Nancy Knight, and her brother, Chuck.

Julie addressed the House briefly and the House rose and expressed its welcome.

#### MOTIONS TO RECONSIDER WITHDRAWN (House File 178)

Fey of Scott and Hanson of Delaware asked and received unanimous consent to withdraw the motions to reconsider House File 178, a bill for an act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, filed by them on February 10, 1989.

On motion by Arnould of Scott, the House was recessed at 9:50 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 256**, a bill for an act relating to the elimination of the risk management division of the department of general services, 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. 256)

The ayes were, 89:

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

The nays were, none.

Absent or not voting, 11:

Beaman	Blanshan	Brammer	Daggett
Hibbard	Jay	Mertz	Osterberg
Plasier	Sherzan	Swartz	

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:

Daggett of Adams and Beaman of Clarke on request of McKean of Jones, both until their arrival.

## CONSIDERATION OF BILLS

**Senate File 38**, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—3126 filed by the committee on education and moved its adoption:

H—3126

1 Amend Senate File 38, as amended, passed, and

2 reprinted by the Senate as follows:

3 1. Page 3, by inserting after line 25, the  
4 following:

5 "Sec. \_\_\_\_\_. Section 294A.16, unnumbered paragraph 4,  
6 Code 1989, is amended by striking the paragraph and  
7 inserting in lieu thereof the following:

8 A school district or area education agency, which  
9 receives money for a school year for an approved phase  
10 III plan, may retain up to fifty percent of the moneys  
11 allocated to the district or area education agency for  
12 the next succeeding school year, in order to continue  
13 the approved plan. Any of the retained phase III  
14 moneys remaining in the district or area education  
15 agency account after the second year of the plan shall  
16 revert to the general fund of the state as provided in  
17 section 8.33.

18 Any moneys allocated or retained for an approved  
19 phase III plan, and any interest accrued on the  
20 moneys, shall not be commingled with state aid  
21 payments made, under sections 442.25 and 442.26, to a  
22 school district or area education agency and shall be  
23 accounted for by the school district or area education  
24 agency separately from state aid payment accounts."

The committee amendment H—3126 was adopted.

Black of Jasper offered the following amendment H—3162 filed by him and moved its adoption:

H-3162

- 1 Amend Senate File 38 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 22, by striking the word
- 4 "expands" and inserting the following: "continues".
- 5 2. Page 2, by striking lines 29 and 30, and
- 6 inserting the following: "phase III moneys, for
- 7 programs that would have met the criteria listed in
- 8 section 294A.14."

Amendment H-3162 lost.

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

On the question "Shall the bill pass?" (S.F. 38)

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Beaman	Brammer	Daggett	Koenigs
Mertz			

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

**Senate File 89**, a bill for an act relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught, 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?" (S.F. 89)

The ayes were, 95:

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

The nays were, 1:

Tyrrell

Absent or not voting, 4:

Brammer	Fuller	Harbor	Mertz
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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 292**, a bill for an act relating to increasing license fees for certain persons engaged in the commercial care of animals, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F 292)

The ayes were, 92:

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

The nays were, 1:

Corbett

Absent or not voting, 7:

Brammer	Chapman	Harbor	Jesse
Mertz	Peters	Svoboda	

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

**House File 293**, a bill for an act relating to gifts, contributions, bequests, endowments, and other moneys for purposes of the library division of the department of cultural affairs, 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. 293)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Brammer	Fuller	Harbor	Mertz
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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 301**, a bill for an act relating to the rulemaking authority of the labor commissioner, 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. 301)

The ayes were, 93:

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

The nays were, 1:

Pellett

Absent or not voting, 6:

Brammer	Hermann	Mertz	Plasier
Sherzan	Stromer		

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

**House File 254**, a bill for an act relating to the regulation of oxygenate octane enhancers, 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. 254)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown

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

The nays were, none.

Absent or not voting, 2:

Brammer            Mertz

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

### Ways and Means Calendar

**Senate File 113**, a bill for an act relating to state taxes and tax administration by increasing the threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresidents on incomes from agricultural products, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 113)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 3:

Brammer	Groninga	Mertz
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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:

Brammer of Linn, for the remainder of the day, on request of Adams of Hamilton; Mertz of Kossuth on request of Muhlbauer of Crawford.

### Regular Calendar

**House File 234**, a bill for an act relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies, was taken up for consideration.

Renken of Grundy offered the following amendment H—3140 filed by him and moved its adoption:

H-3140

- 1 Amend House File 234 as follows:
- 2 1. Page 2, by inserting after line 5, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 524.225, Code 1989, is amended
- 5 to read as follows:
- 6 524.225 JUDICIAL REVIEW.
- 7 Judicial review of the actions of the
- 8 superintendent may be sought in accordance with the
- 9 terms of the Iowa administrative procedure Act chapter
- 10 17A. However, contested case provisions of chapter
- 11 17A, the Iowa administrative procedure Act, do not
- 12 apply to an action by the superintendent to take over
- 13 the management of or to manage a state bank, as
- 14 authorized by sections 524.224 and 524.226."

Amendment H-3140 was adopted.

Jesse of Jasper offered the following amendment H-3157 filed by him and moved its adoption:

H-3157

- 1 Amend House File 234, as follows:
- 2 1. Page 6, line 17, by inserting after the word
- 3 "office." the following: "Original loan documentation
- 4 recordkeeping functions may be located at an
- 5 authorized bank office, subject to the approval of the
- 6 superintendent."

Amendment H-3157 was adopted.

Jesse of Jasper offered the following amendment H-3142 filed by him and moved its adoption:

H-3142

- 1 Amend House File 234 as follows:
- 2 1. Page 9, by striking line 7 and inserting the
- 3 following: "the superintendent the sum of fifty
- 4 dollars".
- 5 2. Page 9, by striking line 10 and inserting the
- 6 following: "two hundred fifty dollars as an annual
- 7 license fee for the period ending".

Amendment H-3142 was adopted.

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

On the question "Shall the bill pass?" (H.F. 234)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Brammer                      Mertz

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

**House File 6**, a bill for an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey, with report of committee recommending amendment and passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-3104 filed by the committee on natural resources and outdoor recreation:

H-3104

- 1 Amend House File 6 as follows:
- 2 1. Page 1, by striking lines 10 through 23 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_\_ Section 110.24, Code 1989, is amended
- 5 by adding immediately after unnumbered paragraph 3 the

6 following new unnumbered paragraph:  
7 **NEW UNNUMBERED PARAGRAPH.** An owner of a farm unit  
8 and a tenant, including their spouses and children who  
9 reside with the owner or tenant, who do not reside on  
10 the farm unit but who are actively engaged in farming  
11 the farm unit, are also eligible for a free deer  
12 license and a wild turkey license as provided in this  
13 section. The licenses are valid for hunting on the  
14 farm unit only. This paragraph applies to Iowa  
15 residents actively engaged in the operation of the  
16 farm units."

Koenigs of Mitchell offered the following amendment H—3164, to the committee amendment H—3104, filed by him from the floor and moved its adoption:

H—3164

1 Amend the amendment, H—3104, to House File 6 as  
2 follows:  
3 1. Page 1, by striking lines 8 and 9 and  
4 inserting the following: "or a member of the owner's  
5 family who resides with the owner and a tenant or a  
6 member of the tenant's family who resides with the  
7 tenant, who do not reside on".

Amendment H—3164 was adopted.

On motion by Koenigs of Mitchell, the committee amendment H—3104, as amended, was adopted.

Tabor of Jackson offered the following amendment H—3146 filed by Tabor, et al., and moved its adoption:

H—3146

1 Amend House File 6 as follows:  
2 1. Page 1, by inserting before line 1 the  
3 following:  
4 "Section 1. Section 109.38, subsection 2, Code  
5 1989, is amended to read as follows:  
6 2. If the commission finds that the number of  
7 hunters licensed or the type of license issued to take  
8 deer or wild turkey should be limited or further  
9 regulated the commission shall conduct a drawing to  
10 determine which applicants shall receive a license and  
11 the type of license. Applications for licenses shall  
12 be received during a period established by the  
13 commission. At the end of the period a drawing shall  
14 be conducted. The commission may establish rules to  
15 issue licenses after the established application  
16 period. If an applicant receives a deer license which  
17 is more restrictive than licenses issued to others for

18 the same period and place, the applicant shall receive  
 19 a certificate with the license entitling the applicant  
 20 to priority in the drawing for the less restrictive  
 21 deer licenses the following year. The certificate  
 22 must accompany that person's application the following  
 23 year, or the applicant will not receive this priority.  
 24 Persons purchasing a deer license for the gun season  
 25 under this section and under section 110.1 are not  
 26 eligible for a gun deer-hunting license under section  
 27 110.24, except as authorized by rules of the  
 28 department. This subsection does not apply to the  
 29 hunting of wild turkey on game breeding and shooting  
 30 preserves licensed under chapter 110A."

Amendment H—3146 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. 6)

The ayes were, 97:

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

The nays were, 1:

Doderer

Absent or not voting, 2:

Brammer                      Mertz

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 4:03 p.m.

**Senate File 91**, a bill for an act to repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies, 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. 91)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Avenson, Spkr.      Brammer                      Mertz

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

**House File 270**, a bill for an act relating to the membership of the long-term care coordinating unit within the department of elder affairs, was taken up for consideration.

Brown 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. 270)

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Avenson, Spkr.      Brammer                      Mertz

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 February 15, 1989, refused to concur in the House amendment to the Senate amendment to the following bill in which the concurrence of the Senate was asked:

House File 17, a bill for an act relating to minimum wage requirements.

JOHN F. DWYER, Secretary

## HOUSE INSISTED

Sherzan of Polk called up for consideration **House File 17**, a bill for an act relating to minimum wage requirements, and moved that the House insist on its amendment to the Senate amendment.

A non-record roll call was requested.

The ayes were 53, nays 38.

The motion prevailed and the House insisted.

CONFERENCE COMMITTEE APPOINTED  
(House File 17)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 17: Sherzan of Polk, Chair; Brammer of Linn, Connors of Polk, Hester of Pottawattamie and Tyrrell of Iowa.

## SENATE MESSAGE CONSIDERED

**Senate Joint Resolution 3**, by committee on natural resources, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date.

Read first time and **passed on file**.

MOTION TO RECONSIDER WITHDRAWN  
(House File 149)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 149, a bill for an act relating to the time of collection of the fee for a marriage license by the clerk of the district court, filed by him on February 13, 1989.

**MOTIONS TO RECONSIDER**  
(House File 274)

I move to reconsider the vote by which House File 274 failed to pass the House on February 15, 1989.

VAN MAANEN of Mahaska

(House File 274)

I move to reconsider the vote by which House File 274 failed to pass the House on February 15, 1989.

JAY of Appanoose

(House Resolution 7)

I move to reconsider the vote by which House Resolution 7 was adopted by the House on February 15, 1989.

HERMANN of Scott

**SPONSOR ADDED**  
(House File 330)

McKean of Jones requested to be added as a sponsor of House File 330.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Tuesday evening, February 15, 1989. Had I been present, I would have voted "aye" on House File 273 and "nay" on House File 274.

BISIGNANO of Polk

**PRESENTATION OF VISITORS**

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

Fourteen VICA Club members from Perry High School, Perry, accompanied by Tom South. By McKinney of Dallas.

Thirteen Business Law students from Dallas Center-Grimes High School, Dallas Center, accompanied by Judy Schneider and Pam Nass. By McKinney of Dallas.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 251 Agriculture**

Eliminating refunds from excise taxes on egg sales.

**H.S.B. 252 Local Government**

Relating to the use of county and municipal infractions.

**H.S.B. 253 Human Resources**

Relating to a limitation on services purchased by the department of human services.

**H.S.B. 254 Small Business and Commerce**

Relating to savings and loan associations and their regulation by the superintendent of savings and loans.

**H.S.B. 255 Judiciary and Law Enforcement**

Relating to a claim for loss of consortium under comparative fault.

**H.S.B. 256 Judiciary and Law Enforcement**

Relating to the foreclosure and sale of real property.

**H.S.B. 257 Judiciary and Law Enforcement**

Relating to the uniform anatomical gift Act, providing effective and applicability dates, and providing a penalty.

**H.S.B. 258 Economic Development**

Relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions by counties and cities.

**H.S.B. 259 Economic Development**

Establishing a science and technology foundation, and authorizing the issuance of bonds.

**H.S.B. 260 Energy and Environmental Protection**

Eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 10**

State Government: Blanshan, Chair; Doderer and Hanson of Delaware.

**House File 263**

Natural Resources and Outdoor Recreation: Jay, Chair; Lykam and Pellett.

**House File 266**

Transportation: Connolly, Chair; Jay and Schnekloth.

**House File 278**

Natural Resources and Outdoor Recreation: Fuller, Chair; Gruhn and Maulsby.

**House File 279**

Transportation: Pavich, Chair; Renaud and Spenner.

**House File 281**

Transportation: Muhlbauer, Chair; Branstad and Fogarty.

**House File 284**

Transportation: Cohoon, Chair; Koenigs and Schnekloth.

**House File 291**

Transportation: Fogarty, Chair; Gruhn and Royer.

**House File 296**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 297**

Transportation: Black, Chair; Fey and Harbor.

**House File 299**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 300**

Transportation: Renaud, Chair; Pavich and Pellett.

**House File 302**

Energy and Environmental Protection: Osterberg, Chair; Bisignano and Petersen of Muscatine.

**House File 305**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poncy.

**House File 308**

Energy and Environmental Protection: Schrader, Chair; Bisignano, McKean, Nielsen and Siegrist.

**House File 309**

Natural Resources and Outdoor Recreation: May, Chair; Diemer and Schrader.

**House File 311**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Black and Stueland.

**House File 318**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 321**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 323**

State Government: Beatty, Chair; Knapp, Poney, Tyrrell and Van Maanen.

**House File 325**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 327**

Natural Resources and Outdoor Recreation: McKean, Chair; Fogarty and Lykam.

**House File 329**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 335**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 336**

State Government: Connors, Chair; Halvorson of Webster and Hanson of Delaware.

**House File 337**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 338**

State Government: Beatty, Chair; Knapp, Poney, Tyrrell and Van Maanen.

**House File 340**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House File 342**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 96**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**Senate File 118**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**Senate File 128**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Hibbard and Plasier.

**Senate File 152**

State Government: Peterson of Carroll, Chair; Halvorson of Webster and Renken.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 223**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 229**

State Government: Knapp, Chair; Beatty, Poney, Tyrrell and Van Maanen.

**House Study Bill 233**

Judiciary and Law Enforcement: Renaud, Chair; Kremer and Poney.

**House Study Bill 234**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Siegrist and Trent.

**House Study Bill 235**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 236**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 237**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poney.

**House Study Bill 238**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 239**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 240**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 241**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**House Study Bill 242**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House Study Bill 243**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 244**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 245**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 246**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 247**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House Study Bill 248**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Hansen of Woodbury and Jay.

**House Study Bill 250**

Labor and Industrial Relations: Sherzan, Chair; Chapman and Tyrrell.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

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

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**House File 201**, a bill for an act relating to the regulation of lotteries, lottery tickets, and other games of chance, or contest, by amending provisions relating to advertising.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H** — 3163 February 15, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 35), to provide for county participation in medical assistance payments for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1989.

**Committee Bill** (Formerly House Study Bill 39), relating to the substance abuse law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1989.

**Committee Bill** (Formerly House Study Bill 45), relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1989.

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT.

**Committee Bill** (Formerly House Study Bill 13), relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1989.

COMMITTEE ON LOCAL GOVERNMENT

**House File 241**, a bill for an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3167** February 15, 1989.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 222), relating to the regulation of long-term care insurance and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1989.

COMMITTEE ON STATE GOVERNMENT

**House File 121**, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 16, 1989.

**Pursuant to Rule 31.7, House File 121 was referred to committee on labor and industrial relations.**

AMENDMENTS FILED

H—3163	H.F.	201	Committee on Economic Development
H—3165	H.F.	146	Hammond of Story Shoning of Woodbury Nielsen of Linn
H—3166	S.F.	150	Osterberg of Linn
H—3167	H.F.	241	Committee on Local Government
H—3168	H.F.	255	Pavich of Pottawattamie Carpenter of Polk

H-3169	H.F.	236	Buhr of Polk De Groot of Lyon Haverland of Polk
H-3170	H.F.	201	Groninga of Cerro Gordo
H-3171	H.F.	331	Tyrrell of Iowa

On motion by Arnould of Scott, the House adjourned at 4:50 p.m., until 10:00 am., Monday, February 20, 1989.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 20, 1989

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

Prayer was offered by the Honorable Mark S. Shearer, state representative from Louisa County.

The Journal of Thursday, February 16, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Peters of Woodbury, for February 20, 21 and 22, on request of Hansen of Woodbury; Eddie of Buena Vista, for February 20 and 21, on request of Spenner of Henry; and Hermann of Scott on request of Miller of Cherokee; Halvorson of Webster on request of Connolly of Dubuque; Peterson of Carroll on request of Svoboda of Tama; Stueland of Clinton on request of Pellett of Cass, all until their arrival.

## INTRODUCTION OF BILLS

**House File 346**, by committee on small business and commerce, a bill for an act relating to the regulation of long-term care insurance and providing an applicability date.

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

**House File 347**, by committee on judiciary and law enforcement, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

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

**House File 348**, by De Groot, a bill for an act relating to state income taxes by providing a health insurance tax credit to certain employers and self-employed persons and providing a retroactive applicability date.

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

**House File 349**, by Bennett, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment.

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

**House File 350**, by Connolly, a bill for an act requiring the performance of monthly fuel surveys by the department of natural resources.

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

**House File 351**, by Jochum, Rosenberg, Hatch, Neuhauser, Dvorsky, Hammond and Carpenter, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 155**, by committee on judiciary, a bill for an act relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

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

**Senate File 158**, by committee on local government, a bill for an act relating to demolition insurance reserves for property in cities.

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

**Senate File 159**, by committee on local government, a bill for an act relating to the sale or contracting for goods and services between a civil service commissioner and a city.

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

**Senate File 169**, by committee on transportation, a bill for an act relating to the rate filing requirements of common carriers.

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

**Senate File 170**, by committee on state government, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

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 members of the conference committee, on the part of the Senate, appointed February 16, 1989, to House File 17, a bill for an act relating to minimum wage requirements, are: The Senator from Monroe, Senator Peterson, Chair; the Senator from Wapello, Senator Gettings; the Senator from Polk, Senator Kinley; the Senator from Montgomery, Senator Hultman; and the Senator from Muscatine, Senator Drake.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

Groninga of Cerro Gordo presented to the House Ruth Dowdy, a Fulbright Exchange Teacher from Hitchen, England, who is teaching third grade at Washington Elementary School in Mason City, Iowa.

The House rose and expressed its welcome.

### MOTIONS TO RECONSIDER WITHDRAWN (House File 199)

Kremer of Buchanan and Holveck of Polk asked and received unanimous consent to withdraw the motions to reconsider House File 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions, filed by them on February 14, 1989.

On motion by Arnould of Scott, the House was recessed at 10:52 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### CONSIDERATION OF BILLS Regular Calendar

**House Joint Resolution 6**, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date, with report of committee recommending passage was taken up for consideration.

**SENATE JOINT RESOLUTION 3 SUBSTITUTED  
FOR HOUSE JOINT RESOLUTION 6**

Koenigs of Mitchell asked and received unanimous consent to substitute Senate Joint Resolution 3 for House Joint Resolution 6.

**Senate Joint Resolution 3**, a joint resolution to nullify an administrative rule of the natural resource commission relating to the funding of multiuse trail projects and providing an effective date, was taken up for consideration.

Koenigs of Mitchell moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (S.J.R. 3)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Pavich	Pellet	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 12:

Carpenter	Dvorsky	Halvorson, R. N.	Hammond
Hanson, D. R.	Holveck	McKean	Neuhauser
Osterberg	Rosenberg	Shoultz	Teaford

Absent or not voting, 6:

Doderer	Eddie	Hibbard	Maulsby
Peters	Tabor		

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

**House File 255**, a bill for an act relating to forms for the registration of voters, was taken up for consideration.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—3139 filed by her on February 10, 1989, placing out of order amendment H—3145, to amendment H—3139, filed by her on February 13, 1989.

Pavich of Pottawattamie offered the following amendment H—3168 filed by him and Carpenter of Polk and moved its adoption:

H—3168

- 1 Amend House File 255 as follows:
- 2 1. Page 1, line 9, by striking the word
- 3 "APPLICATIONS" and inserting the following: "FORMS".
- 4 2. Page 1, line 11, by striking the word
- 5 "application".
- 6 3. Page 1, line 19, by striking the word
- 7 "application" and inserting the following: "form".

Amendment H—3168 was adopted.

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

On the question "Shall the bill pass?" (H.F. 255)

The ayes were, 65:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lundby
Lykam	May	McKean	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 33:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Maulsby
Mertz	Metcalf	Miller	Pellett
Plasier	Renken	Royer	Schnekloth
Spear	Spenner	Stromer	Tyrrell
Van Maanen			

Absent or not voting, 2:

Eddie Peters

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

### 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 20th day of February, 1989: House File 72.

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 February 17, 1989, he approved and transmitted to the Secretary of State the following bill:

Senate File 125, an act relating to the acceptance of the provisions and benefits of federal rehabilitation acts.

### CERTIFICATE OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 261 Labor and Industrial Relations**

Relating to certain employers' experience ratings under the unemployment compensation law by allowing a waiver of the transfer of a predecessor employer's payrolls, contributions, accounts, and contribution rates to a successor employer which acquires the whole enterprise or business and by defining "going out of business" for the purpose of certain employees' duration of benefits.

**H.S.B. 262 State Government**

Relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

**H.S.B. 263 Local Government**

Relating to the reorganization of certain city boards and commissions.

**H.S.B. 264 Small Business and Commerce**

Relating to the Iowa comprehensive health insurance association, by modifying the composition of the association's board of directors, prohibiting certain unfair discriminatory insurance practices regarding association policies, providing for review of the association's annual report, and requiring the insurance commissioner to study and submit a proposal regarding cost-containment procedures.

**H.S.B. 265 Transportation**

Relating to the distribution of the public transit assistance fund and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 23**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 137**

Small Business and Commerce: Blanshan, Chair; Metcalf and Shoultz.

**House File 142**

Small Business and Commerce: Hibbard, Chair; Halvorson of Clayton and Jesse.

**House File 145 (Reassigned)**

Education: Wise, Chair; Beaman and Cohoon.

**House File 169**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 248**

Small Business and Commerce: Doderer, Chair; Brammer and Trent.

**House File 253**

Small Business and Commerce: Hansen of Woodbury, Chair; Dvorsky, Garman, Holveck, Renken, Schneklloth and Sherzan.

**House File 289**

Education: Adams, Chair; Brand and Daggett.

**House File 290**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 295**

Education: Haverland, Chair; Beaman and Harper.

**House File 310**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 312**

Small Business and Commerce: Hibbard, Chair; Bisignano and Shoning.

**House File 316**

Education: Nielsen, Chair; Haverland and Miller.

**House File 341**

Natural Resources and Outdoor Recreation: Schrader, Chair; Black and Stueland.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 213**

Education: Cohoon, Chair; Adams and Corbett.

**House Study Bill 226**

Small Business and Commerce: Holveck, Chair; Dvorsky and Renken.

**House Study Bill 230**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House Study Bill 231**

Education: Nielsen, Chair; Lageschulte and Shearer.

**House Study Bill 232**

Education: Wise, Chair; Beaman and Cohoon.

**House Study Bill 251**

Agriculture: Svoboda, Chair; Fuller and Pellett.

**House Study Bill 255**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House Study Bill 256**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Hansen of Woodbury and Jay.

**House Study Bill 257**

Judiciary and Law Enforcement: Beatty, Chair; Clark and Hibbard.

**House Study Bill 258**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House Study Bill 259**

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

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

**COMMITTEE ON EDUCATION**

**House File 269**, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H — 3172** February 16, 1989.

**COMMITTEE ON STATE GOVERNMENT**

**Committee Bill** (Formerly House Study Bill 100), relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1989.

**AMENDMENTS FILED**

H-3173	H.F.	241	Spear of Lee
H-3174	H.F.	343	Kremer of Buchanan
H-3175	H.F.	201	Connolly of Dubuque

On motion by Arnould of Scott, the House adjourned at 5:18 p.m., until 9:00 a.m., Tuesday, February 21, 1989.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 21, 1989

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

Prayer was offered by the Reverend Al Hazelton, pastor of the Assembly of God Church, Harlan.

The Journal of Monday, February 20, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Beaman of Clarke, from thirty-nine residents of House District 91 opposing riverboat gambling.

By Petersen of Muscatine, from thirty-eight constituents of District 57 opposing riverboat gambling.

## INTRODUCTION OF BILLS

**House File 352**, by Miller, Carpenter, Neuhauser, Blanshan and Wise, a bill for an act relating to the authority of the state board of education over extracurricular interscholastic activities of school districts and nonpublic schools, providing for the appointment of an advisory committee, and providing for the Act's repeal.

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

**House File 353**, by Daggett, a bill for an act relating to orders of fence viewers regarding the erection, maintenance, or repair of a fence.

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

**House File 354**, by Connolly, a bill for an act relating to financial institutions, by providing for the creation of the bank of Iowa.

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

**House File 355**, by Royer and Harbor, a bill for an act relating to travel agents and agencies by providing for licensing and regulation, and providing for fees and penalties.

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

**House File 356**, by Stromer, a bill for an act relating to certain extraordinary homestead tax credits for elderly persons.

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

**House File 357**, by Haverland, a bill for an act providing a refundable child care credit and providing a retroactive applicability date.

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

**House File 358**, by Spear, a bill for an act relating to the acquisition of an interest in a bank or a bank holding company in this state, by prohibiting such an acquisition by an alien bank or alien bank holding company, or by an out-of-state bank holding company owned or controlled by a nonresident alien.

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

**House File 359**, by Trent, a bill for an act relating to the enforcement of certain protective and divorce orders.

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

**House File 360**, by Fuller, Adams, Svoboda and Dvorsky, a bill for an act relating to Iowa lottery revenues and making an appropriation for major maintenance and repair of facilities operated by the department of human services.

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

**House File 361**, by Corbett, a bill for an act increasing the period of revocation for operating a motor vehicle while intoxicated by a person under the age of twenty-one, and providing for the applicability of the Act.

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

**House File 362**, by Rosenberg, a bill for an act relating to regulation of public utilities and their affiliates, by prohibiting certain business practices by utilities and affiliates, by granting further regulatory authority to the utilities board of the department of commerce, by granting additional access to the utilities board, and prescribing penalties.

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

**House File 363**, by Peters, Brown, Sherzan, Jochum, Bisignano, Connors, Fuller, Renaud, Poney, Wise, Hansen of Woodbury, Osterberg, Svoboda and Pavich, a bill for an act relating to the worker safety record of bidders for certain state public improvement contracts, requiring the submission of certain worker safety information, providing for the consideration of such information in determining the responsibility of a bidder, providing penalties, and providing other properly related matters.

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

**House File 364**, by Petersen of Muscatine, a bill for an act relating to appropriations from the road use tax fund to the department of public safety, division of highway safety and uniformed force.

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

**House File 365**, by Metcalf, a bill for an act providing a state sales, services, and use tax exemption for employment agencies.

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

**House File 366**, by Buhr, Connors, Jesse, Holveck, Carpenter, Shoultz, Bisignano, Renaud and Sherzan, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

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

**House File 367**, by committee on state government, a bill for an act relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

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

**House File 368**, by Renken, a bill for an act relating to securities and investments and properly related matters, by offering a venture capital tax credit, altering allowed exemptions from registration, creating a new class of registration by filing, eliminating certain filing requirements, imposing minimum share prices as a condition for eligibility for certain exemptions and procedures, eliminating the broker-dealer bond requirement for broker-dealers who are members of the securities investors protection corporation, granting the administrator authority to prohibit certain blind pools and direct participation offering, incorporating additional legislative intent language to guide

interpretation of the Blue Sky Law, expanding the permitted investments of Iowa insurers to include certain venture capital and small business investments, among other provisions, and mandating a study be prepared by the securities bureau concerning investor protection and the impact of this Act, and repealing limits on securities registered by qualification.

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

**House File 369**, by Metcalf, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

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

**House File 370**, by Schnekloth, a bill for an act to repeal provisions relating to the refund of tuition by certain institutions or other persons offering courses of instruction at the postsecondary level for profit.

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 February 16, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 149, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

Also: That the Senate has on February 16, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 154, a bill for an act relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty.

Also: That the Senate has on February 16, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 185, a bill for an act relating to the hotel and motel tax and providing an exemption.

Also: That the Senate has on February 16, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 186, a bill for an act relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:35 a.m., until 4:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 371**, by committee on human resources, a bill for an act relating to emergency medical care providers, and providing penalties.

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

**House File 372**, by committee on natural resources and outdoor recreation, a bill for an act relating to the duties of the natural resource commission and the environmental protection commission with respect to budget approval requirements.

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

**House File 373**, by committee on human resources, a bill for an act relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

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

**House File 374**, by committee on local government, a bill for an act relating to mobile home taxes and providing an effective date.

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

**House File 375**, by committee on natural resources and outdoor recreation, a bill for an act relating to the Iowa conservation corps program.

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster, for the remainder of the day, on request of Connors of Polk.

**CONSIDERATION OF BILL**  
**Regular Calendar**

**House File 332**, a bill for an act allowing a physician, as defined in section 135.1, to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date, 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. 332)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brandstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	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	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Eddie	Halvorson, R. N.	Johnson	Peters
Poncy	Swartz		

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

**EXPLANATION OF VOTE**

On Monday, February 20, 1989, I should have been recorded as voting "aye" on Senate Joint Resolution 3.

MAULSBY of Calhoun

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF PUBLIC HEALTH**

A report on case management demonstration projects, pursuant to Chapter 1277, Sec. 4(6), 1988 Acts of the Seventy-second General Assembly.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 266 Human Resources**

Relating to family and group day care home requirements.

**H.S.B. 267 Human Resources**

Relating to medical and health needs, including provisions relating to medical and health care, the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under title XVIII of the federal Social Security Act and providing for the collection and analysis of information; requiring the department of human services to adopt rules and conduct studies regarding health care providers which are reimbursed under the medical assistance program; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the certificate of need program; health promotion and disease prevention by expanding the employee assistance program, and requiring health warning labels on alcoholic beverages; allowing licensed practical nurses and registered nurses to perform all duties performed by a physician's assistant and establishing forgivable loan programs for certain registered nursing and osteopathic students; allowing a medical and health insurance deduction from state individual income tax and providing a retroactive applicability date; rural health delivery systems; establishing a health care services task force, and providing for other properly related matters.

**H.S.B. 268 State Government**

Relating to campaign finance, providing limitations on contributions to candidates and political committees, restricting the use of certain

unexpended balances, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, providing for a political contribution credit on the personal income tax under certain circumstances, providing penalties, providing properly related matters, providing an effective date, and providing retroactive and other applicability dates.

**H.S.B. 269 Local Government**

Authorizing a writing fee for the issuance of state park user permits.

**H.S.B. 270 Education**

Relating to the number of elector signatures required to authorize inclusion of a proposition relating to the sale, lease, or other disposition of any school property on a regular election ballot.

**H.S.B. 271 Local Government**

Relating to the payment for uniform citation and complaint forms.

SUBCOMMITTEE ASSIGNMENTS

**House File 105**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 118**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 119**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 121**

Labor and Industrial Relations: Harper, Chair; Diemer and Sherzan.

**House File 122**

Transportation: Gruhn, Chair; Connolly, De Groot, Harbor and Jay.

**House File 159**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 160**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 215**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 275**

Transportation: Connolly, Chair; Black, Gruhn, Harbor and Pellett.

**House File 307**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 317**

Agriculture: Gruhn, Chair; Bennett and McKinney.

**House File 319**

Local Government: Black, Chair; Bisignano and Renken.

**House File 324**

Local Government: Spear, Chair; Fuller and Royer.

**House File 339**

Small Business and Commerce: Dvorsky, Chair; Renken and Shultz.

**House File 350**

Energy and Environmental Protection: Nielsen, Chair; May and Siegrist.

**House File 351**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**House File 355**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**House File 362**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Holveck, Lundby and Trent.

**House File 363**

Labor and Industrial Relations: Peters, Chair; Hester and Jochum.

**Senate File 155**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**Senate File 169**

Transportation: Muhlbauer, Chair; Branstad and Koenigs.

**Senate File 170**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 190 (Reassigned)**

Transportation: Cohoon, Chair; Brown, Gruhn, Royer and Spenner.

**House Study Bill 252**

Local Government: Fogarty, Chair; Hatch and McKean.

**House Study Bill 254**

Small Business and Commerce: Sherzan, Chair; Brammer and Metcalf.

**House Study Bill 260**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**House Study Bill 261**

Labor and Industrial Relations: Ollie, Chair; Chapman and Plasier.

**House Study Bill 262**

State Government: Peterson of Carroll, Chair; Pavich and Shoning.

**House Study Bill 265**

Transportation: Fey, Chair; Pavich and Schnekloth.

**House Study Bill 268**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**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 59**, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3180** February 21, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**Senate File 96**, a bill for an act extending the existence of the Iowa health data commission, prohibiting contracting in cases of conflicts of interest, and providing requirements regarding the installation of computerized severity of illness systems.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1989.

**Senate File 105**, a bill for an act relating to assisting the department of human services in dependent adult abuse investigations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3177** February 20, 1989.

**Committee Bill** (Formerly House Study Bill 143), relating to emergency medical care providers, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1989.

**Committee Bill** (Formerly House Study Bill 208), relating to the registration, regulation, and inspection of swimming pools and spas, and providing penalties.

Fiscal Note is required.

Recommended **Do Pass** February 20, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 315**, a bill for an act prohibiting residency requirements for appointive county officers or employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3176** February 20, 1989.

**Senate File 71**, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1989.

**Committee Bill** (Formerly House Study Bill 215), relating to mobile home taxes and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 123), relating to the duties of the natural resource commission, the environmental protection commission, and the state advisory board for preserves with respect to budget recommendations, budget approval, and reporting requirements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1989.

**Committee Bill** (Formerly House Study Bill 185), relating to the Iowa conservation corps program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1989.

#### COMMITTEE ON TRANSPORTATION

**Senate File 169**, a bill for an act relating to the rate filing requirements of common carriers.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1989.

## AMENDMENTS FILED

H—3176	H.F.	315	Committee on Local Government
H—3177	S.F.	105	Committee on Human Resources
H—3178	H.F.	289	Daggett of Adams
H—3179	H.F.	331	Mertz of Kossuth
H—3180	S.F.	59	Committee on Education

On motion by Arnould of Scott, the House adjourned at 5:27 p.m., until 9:00 a.m., Wednesday, February 22, 1989.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 22, 1989

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

Prayer was offered by the Honorable Gregory A. Spenner, state representative from Henry County.

The Journal of Tuesday, February 21, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hermann of Scott, from twenty-nine citizens opposing river-boat gambling.

By Shearer of Louisa, from two hundred southeast Iowa hunters and fur harvesters opposing a proposed five (5) percent tax on the sale of furs, and a proposed increase in the fur harvester license.

## INTRODUCTION OF BILLS

**House File 376**, by Kremer, a bill for an act relating to the liability of an association or corporation resulting from services provided by the association or corporation.

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

**House File 377**, by Stromer, a bill for an act relating to certain property interests by providing for the return of certain subsurface property rights to the surface owner and ancillary surface property rights to adjoining landowners when subsurface rights are relinquished by the person who has obtained underground gas storage rights through exercise of the power of eminent domain.

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

**House File 378**, by Bennett, a bill for an act requiring school districts to adopt policies prohibiting teachers or other school employees from possessing or using controlled substances or alcohol on school property.

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

**House File 379**, by Hammond, a bill for an act relating to the hospice licensure renewal fee.

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

**House File 380**, by Bisignano, a bill for an act relating to real estate practices, permitting certain activities to be conducted through a corporation owned by a real estate broker associate or salesperson, and providing properly related matters.

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

**House File 381**, by De Groot, a bill for an act relating to interest payments for farmers home administration loans obtained for rural water system development, and providing for appropriations.

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

**House File 382**, by Pellett, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

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

**House File 383**, by Fey, a bill for an act relating to the real property eligible to be sold for taxes at the scavenger sale.

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

**House File 384**, by Poney, a bill for an act relating to sheriffs' sales by permitting written sealed bids to be received, and providing procedures for written sealed bids.

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

**House File 385**, by Hermann, a bill for an act relating to the records of nonprofit corporations and associations licensed by the state to conduct certain regulated racing or gaming activities.

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

**House File 386**, by Bennett, a bill for an act relating to the refund of unexpired portions of vehicle registration fees.

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

## SENATE MESSAGES CONSIDERED

**Senate File 149**, by committee on education, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

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

**Senate File 154**, by committee on ways and means, a bill for an act relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty.

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

**Senate File 185**, by committee on ways and means, a bill for an act relating to the hotel and motel tax and providing an exemption.

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

**Senate File 186**, by committee on ways and means, a bill for an act relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 20, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 69, a bill for an act relating to the dissolution of the Eldora Cemetery Society, Incorporated and the disposition of its property, and providing effective dates.

Also: That the Senate has on February 20, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 190, a bill for an act relating to the time period for which an annual accounting report for the revolving farm fund is filed.

Also: That the Senate has on February 20, 1989, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 202, a bill for an act relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court.

Also: That the Senate has on February 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 203, a bill for an act relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

Also: That the Senate has on February 20, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, a concurrent resolution relating to the federal feed grain buy-down program.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:26 a.m., until 4:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story on request of Buhr of Polk; Adams of Hamilton on request of Dvorsky of Johnson; Eddie of Buena Vista on request of Spenner of Henry; Diemer of Black Hawk on request of Kremer of Buchanan, all for the remainder of the day.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 331**, a bill for an act relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties, was taken up for consideration.

Mertz of Kossuth offered the following amendment H—3179 filed by her and moved its adoption:

H—3179

- 1 Amend House File 331 as follows:
- 2 1. Page 1, line 6, by striking the words “, in-
- 3 cluding any amendments.”

Amendment H—3179 was adopted.

Tyrrell of Iowa offered the following amendment H—3171 filed by him and moved its adoption:

H—3171

- 1 Amend House File 331 as follows:
- 2 1. Page 1, by striking lines 25 and 26 and
- 3 inserting the following: "comply with the standards."
- 4 2. Title page, by striking lines 2 and 3 and
- 5 inserting the following: "secretary of agriculture,
- 6 and providing penalties."

Amendment H—3171 lost.

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

On the question "Shall the bill pass?" (H.F. 331)

The ayes were, 93:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	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	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Adams	Diemer	Eddie	Johnson
Peters	Petersen, D. F.	Swartz	

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

**House File 343**, a bill for an act relating to the labeling, advertising, adulteration, misbranding, and dispensing of drugs, devices, and cosmetics, providing penalties, and providing properly related matters, was taken up for consideration.

Kremer of Buchanan offered the following amendment H—3174 filed by him and moved its adoption:

H—3174

- 1 Amend House File 343 as follows:
- 2 1. Page 2, lines 6 and 7, by striking the words
- 3 "other animals" and inserting the following:
- 4 "animal".
- 5 2. Page 2, line 9, by striking the words "other
- 6 animals" and inserting the following: "animal".
- 7 3. Page 2, line 11, by striking the words "other
- 8 animals" and inserting the following: "animal".
- 9 4. Page 2, line 22, by striking the words "other
- 10 animals" and inserting the following: "animal".
- 11 5. Page 2, lines 24 and 25, by striking the words
- 12 "other animals" and inserting the following:
- 13 "animal".
- 14 6. Page 22, line 12, by striking the words "human
- 15 beings" and inserting the following: "humans".
- 16 7. Page 25, line 6, by striking the words "drug
- 17 or device" and inserting the following: "drug,
- 18 device, or cosmetic".

Amendment H—3174 was adopted.

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. 343)

The ayes were, 94:

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

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

The nays were, none.

Absent or not voting, 6:

Adams	Diemer	Eddie	Hammond
Johnson	Peters		

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

**House File 333**, a bill for an act providing for the confidentiality of records submitted to the agricultural diversification bureau of the department of agriculture and land stewardship for the purposes of assisting persons in business planning, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 333)

The ayes were, 94:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.

Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Adams	Diemer	Eddie	Hammond
Johnson	Peters		

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

**House File 241**, a bill for an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations, with report of committee recommending amendment and passage was taken up for consideration.

Fuller of Hardin offered the following amendment H—3167 filed by the committee on local government and moved its adoption:

H—3167

- 1 Amend House File 241 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "AND OTHER EMERGENCIES".
- 4 2. Page 1, by striking line 7 and inserting the
- 5 following: "department in charge of a fire scene".
- 6 3. Page 1, line 8, by striking the word "scene".
- 7 4. Page 1, lines 15 and 16, by striking the words
- 8 "or emergency".
- 9 5. Page 1, line 17, by striking the words "or
- 10 vessel which" and inserting the following: "vessel,
- 11 or individual that".
- 12 6. Page 1, by striking lines 18 through 21 and
- 13 inserting the following: "operations of the fire
- 14 department."
- 15 7. Page 1, line 26, by inserting after the word
- 16 "alley," the following: "right-of-way,".

The committee amendment H—3167 was adopted.

Spear of Lee offered the following amendment H—3173 filed by him and moved its adoption:

H—3173

- 1 Amend House File 241 as follows:

- 2 1. Page 1, line 24, by striking the words "or  
3 emergency".

Amendment H—3173 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. 241)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Adams	Diemer	Eddie	Hammond
Johnson	Peters		

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

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 21, 1989. Had I been present, I would have voted "aye" on House File 332.

PONCY of Wapello

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 21, 1989 and is on file in the office of the Chief Clerk:

February 20, 1989

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 5 claims of a general nature that were denied by the State Appeal Board on February 13, 1989. This supplements our filing of January 5, 1989.

Index attached shows 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

STATE APPEAL BOARD  
GENERAL CLAIMS DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0677	People's Natural Gas Newton, Iowa (Oudated Invoice)	\$ 26.45	DENIED
G88-0719	Dubuque County Auditor Dubuque, Iowa (Ag Land Credit Tax Refund)	17,431.96	DENIED
G88-0840	Volvo of America Rockleigh, New Jersey (License Fee Refund)	Undetermined	DENIED

G88-0954	Pete Wessels Bettendorf, Iowa (License Fee Refund)	25.00	DENIED
G89-0006	William Krahl Des Moines, Iowa (License Fee Refund)	37.25	DENIED

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 264.1 (Revision of H.S.B. 264) Small Business and Commerce**

Relating to the Iowa comprehensive health insurance association, by modifying and regulating the composition of the association's board of directors, eliminating the agent's referral fee, providing for a uniform rate for coverage, reducing the lifetime benefit, prohibiting certain unfair discriminatory insurance practices regarding association policies, providing for review of the association's annual report, and requiring the insurance commissioner to study and submit a proposal regarding cost-containment procedures.

#### **H.S.B. 272 Local Government**

Relating to the management and organization of municipal libraries.

#### **H.S.B. 273 Local Government**

Relating to the powers and duties of the auditor of state with respect to political subdivisions.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 96**

Education: Haverland, Chair; Harper and Lageschulte.

#### **House File 326**

Ways and Means: Fey, Chair; Renken and Teaford.

#### **House File 328**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

#### **House File 348**

Ways and Means: Groninga, Chair; Hanson of Delaware and Holveck.

#### **House File 349**

Ways and Means: Brand, Chair; Bennett and May.

#### **House File 352**

Education: Tabor, Chair; Brand and Miller.

**House File 356**

Ways and Means: Tabor, Chair; Chapman and Petersen of Muscatine.

**House File 357**

Ways and Means: Groninga, Chair; Hanson of Delaware and Holveck.

**House File 360**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House File 364**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 365**

Ways and Means: Chapman, Chair; De Groot and Groninga.

**House File 370**

Education: Wise, Chair; Beaman and Cohoon.

**Senate File 153**

Ways and Means: Chapman, Chair; Metcalf 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 STATE GOVERNMENT**

**House File 79**, a bill for an act relating to the office of governor by providing that procedures which apply to the disability of the governor also apply to the disability of a person acting as governor.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1989.

**Senate File 150**, a bill for an act relating to certain drugs used and activities of the racing commission veterinarian with respect to pari-mutuel horse racing and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3181** February 21, 1989.

**RESOLUTION FILED**

**SCR 4**, by Hultman and Drake, a concurrent resolution relating to the federal feed grain buy-down program.

Referred to committee on **agriculture**.

## AMENDMENTS FILED

H-3181	S.F.	150	Committee on State Government
H-3182	S.F.	105	Tyrrell of Iowa
H-3183	H.F.	344	Van Maanen of Mahaska
H-3184	S.F.	59	Maulsby of Calhoun
H-3185	H.F.	235	Tyrrell of Iowa
H-3186	H.F.	269	Corbett of Linn
H-3187	H.F.	269	Corbett of Linn
H-3188	H.F.	269	Daggett of Adams
H-3189	H.F.	269	Daggett of Adams
H-3190	H.F.	269	Miller of Cherokee
H-3191	H.F.	269	Stromer of Hancock
H-3192	S.F.	59	Miller of Cherokee
H-3193	H.F.	269	Maulsby of Calhoun
H-3194	H.F.	269	Corbett of Linn

On motion by Arnould of Scott, the House adjourned at 5:41 p.m., until 9:00 a.m., Thursday, February 23, 1989.

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 23, 1989

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

Prayer was offered by the Honorable Dorothy F. Carpenter, state representative from Polk County.

The Journal of Wednesday, February 22, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 387**, by Lundby, a bill for an act relating to the definition of the term "misconduct" for purposes of disqualification for unemployment compensation benefits.

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

**House File 388**, by Schneklath, a bill for an act relating to landlord and tenant relationships by changing the grounds and procedures for, and specific remedies allowed, landlords against residential tenants for breach of a lease agreement.

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

**House File 389**, by Halvorson of Webster, a bill for an act regulating the sale and possession of fireworks, and making a penalty applicable.

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

**House File 390**, by Diemer, Hermann, Osterberg, Petersen of Muscatine, Neuhauser and Doderer, a bill for an act relating to the taxation of certain pensions, annuities, and retirement allowances received for purposes of the state individual income tax and providing an effective date.

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

**House File 391**, by Garman and Pellett, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

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

**House File 392**, by Lundby, a bill for an act relating to the maximum workers' compensation benefits payable to injured workers and providing for the Act's applicability.

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

**House File 393**, by Corbett, a bill for an act relating to an exemption from income taxation for certain annuities.

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

**House File 394**, by Spenner, Miller, Corbett, Halvorson of Clayton, Clark, Lageschulte, Kistler, De Groot, Schneklath, Shearer, Jay, Cohoon and Fogarty, a bill for an act relating to inspections and repairs of boilers used for exhibition use only.

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

**House File 395**, by Lundby, a bill for an act relating to the attachment-to-the-work-force requirements under the unemployment compensation law.

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

**House File 396**, by Daggett, a bill for an act relating to venture capital companies, authorizing state investments, providing certain tax credits, and providing for retroactive applicability.

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

**House File 397**, by Harper and Teaford, a bill for an act relating to health maintenance organizations by providing that podiatrists cannot be excluded from participation for services within their scope of practice, based solely upon their licensure as podiatrists, if a health maintenance organization permits other providers to supply the same services for compensation.

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

#### SENATE MESSAGES CONSIDERED

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

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

**Senate File 202**, by committee on judiciary, a bill for an act relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court.

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

**Senate File 203**, by committee on judiciary, a bill for an act relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

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 February 23, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, a concurrent resolution relating to the revenue estimating conference and its meetings.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 9:22 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:

Johnson of Winneshiek, for February 22 and 23, on request of Schrader of Marion.

#### INTRODUCTION OF BILLS

**House File 398**, by committee on small business and commerce, a bill for an act relating to the Iowa comprehensive health insurance association, by modifying and regulating the composition of the association's board of directors, eliminating the agent's referral fee, providing for a uniform rate for coverage, reducing the lifetime benefit, prohibiting certain unfair discriminatory insurance practices regarding

association policies, providing for review of the association's annual report, and requiring the insurance commissioner to study and submit a proposal regarding cost-containment procedures.

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

**House File 399**, by committee on human resources, a bill for an act relating to restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons, and providing an effective date.

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

**House File 400**, by committee on appropriations, a bill for an act relating to state capital projects and other state fiscal planning, budgeting, oversight, and expenditures.

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

**House File 401**, by committee on judiciary and law enforcement, a bill for an act relating to the elimination of the limit on restitution which can be ordered of a person convicted of, or receiving a deferred judgment for, the offense of operating a motor vehicle while intoxicated.

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

**House File 402**, by committee on human resources, a bill for an act relating to foster care by establishing certain provisions regarding voluntary foster care placements.

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

**House File 403**, by committee on human resources, a bill for an act relating to child support awards by establishing an advisory committee and requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date.

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

SPONSOR ADDED

(Amendment H—3192 to Senate File 59)

Neuhauser of Johnson requested to be added as a sponsor of amendment H—3192 to Senate File 59.

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 23, 1989, he approved and transmitted to the Secretary of State the following bill:

House File 72, an act relating to the notification of the city development board of public hearings for proposed urban revitalization plans.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Wednesday, February 22, 1989. Had I been present, I would have voted "aye" on House Files 241, 331, 333 and 343.

ADAMS of Hamilton

I was necessarily absent from the House chamber on February 20, 21 and 22, 1989. Had I been present, I would have voted "aye" on House Files 241, 255, 331, 332, 333, 343 and Senate Joint Resolution 3.

EDDIE of Buena Vista

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 200.1 (Revision of H.S.B. 200) Energy and Environmental Protection**

Relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees, providing for appropriation and expenditure of the fee receipts and certain other moneys, and providing penalties, and providing for other properly related matters.

**H.S.B. 274 Economic Development**

Relating to the lottery regarding the duties of the commissioner and board, deposits, expenses and reports of funds, licensing and ticket sale procedures, distribution of prizes, repealing the statutory provision abolishing the lottery, and providing an effective date.

**H.S.B. 275 Economic Development**

Relating to the real estate investment power of state banks.

**H.S.B. 276 Energy and Environmental Protection**

Allowing the utilities board to reject an application for new or changed

rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

**H.S.B. 277 Energy and Environmental Protection**

Allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

**H.S.B. 278 Local Government**

Authorizing a city to seek a judgment against a property owner for improvements made to the property.

**H.S.B. 279 Judiciary and Law Enforcement**

Relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project.

**H.S.B. 280 Local Government**

Relating to the appeal of local governmental budgets.

**H.S.B. 281 Local Government**

Relating to the amount of money retained by county treasurers for the issuance of registrations and plates for vehicles.

**H.S.B. 282 State Government**

Relating to the confidentiality of applications for public employment.

**H.S.B. 283 State Government**

Relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies.

**H.S.B. 284 Transportation**

Relating to the cancellation of operator's licenses during their first year of issuance.

**H.S.B. 285 Education**

Relating to early childhood and kindergarten programs.

## SUBCOMMITTEE ASSIGNMENTS

**House File 322**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 334**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 354**

Small Business and Commerce: Holveck, Chair; Bisignano, Hansen of Woodbury, Shoning and Trent.

**House File 358**

Small Business and Commerce: Hansen of Woodbury, Chair; Dvorsky, Garman, Holveck, Renken, Schnekloth and Sherzan.

**House File 366**

Local Government: Connors, Chair; Hester and Mertz.

**House File 368**

Small Business and Commerce: Hibbard, Chair; Metcalf and Shoultz.

**House File 369**

Small Business and Commerce: Hibbard, Chair; Kremer and Shoultz.

**House File 377**

Energy and Environmental Protection: Hatch, Chair; Adams, Hanson of Delaware, Lundby, Osterberg, Shoultz and Trent.

**House File 378**

Education: Shoultz, Chair; Maulsby and Tabor.

**House File 380**

Small Business and Commerce: Hansen of Woodbury, Chair; Brammer and Shoning.

**House File 382**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 385**

State Government: Blanshan, Chair; Peterson of Carroll and Van Maanen.

**House File 386**

Transportation: Cohoon, Chair; Branstad and Fogarty.

**Senate File 149**

Education: Harper, Chair; Adams, Kistler, Lageschulte and Shearer.

**Senate File 158**

Local Government: Brown, Chair; McKean and Mertz.

**Senate File 159**

Local Government: Shearer, Chair; Eddie and Peters.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 4**

Judiciary and Law Enforcement: Jay, Chair; Harbor and Rosenberg.

**House Study Bill 200.1**

Energy and Environmental Protection: Shoultz, Chair; Hanson of Delaware, Dvorsky, Garman, Jesse, May and Siegrist.

**House Study Bill 253**

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

**House Study Bill 266**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 267**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 269**

Local Government: Black, Chair; Bisignano and Hester.

**House Study Bill 270**

Education: Haverland, Chair; Harper and Lageschulte.

**House Study Bill 271**

Local Government: Banks, Chair; Fuller and Peters.

**House Study Bill 272**

Local Government: Shearer, Chair; Black and Renken.

**House Study Bill 273**

Local Government: Fogarty, Chair; Fuller and Spenner.

**House Study Bill 274**

Economic Development: Swartz, Chair; Beaman, Brand, Connolly and Corbett.

**House Study Bill 275**

Economic Development: Dvorsky, Chair; Jesse, Metcalf, Miller and Teaford.

**House Study Bill 276**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**House Study Bill 277**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**House Study Bill 279**

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Kremer.

**House Study Bill 282**

State Government: Buhr, Chair; Doderer, Poncy, Renken and Shoning.

**House Study Bill 283**

State Government: Buhr, Chair; Doderer, Poncy, Renken and Shoning.

**House Study Bill 284**

Transportation: Connolly, Chair; Cohoon and De Groot.

**House Study Bill 285**

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte 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**

**Senate File 119**, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1989.

**Committee Bill**, relating to capital project planning, budgeting, and expenditures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 36), relating to restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1989.

**Committee Bill** (Formerly House Study Bill 170), relating to child support awards by establishing an advisory committee and requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1989.

**Committee Bill** (Formerly House Study Bill 184), relating to foster care by establishing certain provisions regarding voluntary foster care placements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 155**, a bill for an act relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1989.

**Committee Bill** (Formerly House Study Bill 67), relating to the elimination of the limit on restitution which can be ordered of a person convicted of, or receiving a deferred judgment for, the offense of operating a motor vehicle while intoxicated.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 206**, a bill for an act relating to the operation and dissolution of a benefited fire district including a city, and authorizing the levy of a property tax.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3195** February 22, 1989.

**Pursuant to Rule 31.7, House File 206 was referred to the committee on ways and means.**

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 309**, a bill for an act to establish an Iowa sportsperson license and a license fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3196** February 22, 1989.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 264.1), relating to the Iowa comprehensive health insurance association, by modifying and regulating the composition of the association's board of directors, eliminating the agent's referral fee, providing for

a uniform rate for coverage, reducing the lifetime benefit, prohibiting certain unfair discriminatory insurance practices regarding association policies, providing for review of the association's annual report, and requiring the insurance commissioner to study and submit a proposal regarding cost-containment procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1989.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 279), allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1989.

#### COMMITTEE ON WAYS AND MEANS

**House File 127**, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable.

Fiscal Note is not required.

Recommended **Do Pass with committee on state government amendment H-3096** February 22, 1989.

#### RESOLUTION FILED

**SCR 6**, by Hutchins and Hultman, a concurrent resolution relating to the revenue estimating conference and its meetings.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-3195	H.F.	206	Committee on Local Government
H-3196	H.F.	309	Committee on Natural Resources and Outdoor Recreation
H-3197	S.F.	59	De Groot of Lyon
H-3198	S.F.	59	Eddie of Buena Vista
H-3199	S.F.	59	Siegrist of Pottawattamie
H-3200	S.F.	59	Corbett of Linn
			Siegrist of Pottawattamie
H-3201	S.F.	59	Daggett of Adams
H-3202	S.F.	59	Corbett of Linn
			Siegrist of Pottawattamie

H-3203	S.F.	59	Siegrist of Pottawattamie Shoultz of Black Hawk
H-3204	S.F.	59	Garman of Story
H-3205	S.F.	59	Stromer of Hancock
H-3206	S.F.	59	Maulsby of Calhoun
H-3207	H.F.	346	Kremer of Buchanan
H-3208	S.F.	59	Metcalf of Polk De Groot of Lyon
H-3209	S.F.	59	Metcalf of Polk Tyrrell of Iowa Hanson of Delaware
H-3210	S.F.	59	Garman of Story
H-3211	S.F.	59	Garman of Story
H-3212	S.F.	59	Maulsby of Calhoun

On motion by Arnould of Scott, the House adjourned at 3:47 p.m., until 10:00 a.m., Monday, February 27, 1989.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 27, 1989

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 Thursday, February 23, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 404**, by Beatty, a bill for an act relating to the effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal, and providing an effective date.

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

**House File 405**, by Garman, Pellett, Banks, Van Maanen, Miller, Maulsby, Petersen of Muscatine, McKean, Branstad, Shoning, Hester, Kistler, Plasier, Royer, Beaman, Diemer, Clark, Spenner, Corbett, Tyrrell, Kremer, Lundby, Metcalf, Harbor, Siegrist, Stromer, Schneklath, Lageschulte, Renken, Daggett, De Groot, Bennett, Hermann, Mertz, Svoboda, Muhlbauer, Shearer, Gruhn, Fogarty, Stueland and Fuller, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

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

**House File 406**, by Teaford, Shoning, Fey, Peters, Osterberg and Corbett, a bill for an act establishing a family building Act which relates to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of infertility treatment coverage under certain conditions.

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

**House File 407**, by Black, a bill for an act relating to benefits under the Iowa public employees' retirement system by allowing credit for service in excess of thirty years.

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

**House File 408**, by Teaford, Hammond and Adams, a bill for an act relating to the use of integrity tests as a condition of employment and providing a penalty.

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

**House File 409**, by Beaman, a bill for an act providing for an annual limited state camping pass for residents sixty-two years of age or older.

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

**House File 410**, by Trent, a bill for an act relating to securities and investments and properly related matters, by offering a venture capital tax credit, altering allowed exemptions from registration, creating a new class of registration by filing, eliminating certain filing requirements, imposing minimum share prices as a condition for eligibility for certain exemptions and procedures, eliminating the broker-dealer bond requirement for broker-dealers who are members of the securities investors protection corporation, granting the administrator authority to prohibit certain blind pools and direct participation offering, incorporating additional legislative intent language to guide interpretation of the Blue Sky Law, expanding the permitted investments of Iowa insurers to include certain venture capital and small business investments, among other provisions, and mandating a study be prepared by the securities bureau concerning investor protection and the impact of this Act, and repealing limits on securities registered by qualification.

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

**House File 411**, by Clark, a bill for an act relating to the protection of children, by amending the definition of child in need of assistance, providing certain procedures for reporting and investigating child abuse, and regulating the use of child abuse information.

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

**House File 412**, by Wise, a bill for an act relating to the imposition of a local option income surtax, and making administrative provisions and penalties applicable.

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

**House File 413**, by Neuhauser, a bill for an act relating to a guaranteed student loan payment program, providing for loans to nurses, math-science teachers, and occupational therapists, and making an appropriation.

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

**House File 414**, by Hanson of Delaware, a bill for an act relating to city development by revising requirements for approval of a proposal for the annexation or severance of territory.

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

**House File 415**, by McKean, a bill for an act relating to the living roadway trust fund, by providing for the allocation of moneys to and from the fund, 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 February 22, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 133, a bill for an act relating to the election of the president of the state board of education.

Also: That the Senate has on February 22, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 194, a bill for an act relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators.

Also: That the Senate has on February 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 130, a bill for an act relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

Also: That the Senate has on February 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act expanding the definition of sex act and making more acts subject to penalties.

Also: That the Senate has on February 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 216, a bill for an act relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

JOHN F. DWYER, Secretary

**ADOPTION OF HOUSE MEMORIAL RESOLUTION 1**

Renken of Grundy offered the following House Memorial Resolution 1 and moved its adoption:

**HOUSE MEMORIAL RESOLUTION 1**

*Whereas, The Honorable Ada Garner of Butler County, Iowa, who was a member of the Forty-fifth and Forty-fifth Extra General Assemblies, passed away June 16, 1963; 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 her life, character and service to the state.*

The motion prevailed and the Speaker appointed as such committee Renken of Grundy, Lageschulte of Bremer and Clark of Cerro Gordo.

**ADOPTION OF HOUSE MEMORIAL RESOLUTION 2**

Eddie of Buena Vista offered the following House Memorial Resolution 2 and moved its adoption:

**HOUSE MEMORIAL RESOLUTION 2**

*Whereas, The Honorable Frances Gilchrist Hakes of Pocahontas County, Iowa, who was a member of the Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away December 26, 1988; 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 her life, character and service to the state.*

The motion prevailed and the Speaker appointed as such committee Eddie of Buena Vista, Gruhn of Dickinson and Fogarty of Palo Alto.

**ADOPTION OF HOUSE MEMORIAL RESOLUTION 3**

Carpenter of Polk offered the following House Memorial Resolution 3 and moved its adoption:

**HOUSE MEMORIAL RESOLUTION 3**

*Whereas, The Honorable Don D. Alt of Polk County, Iowa, who was a member of the Sixty-third and Sixty-fourth General Assemblies, passed away August 18, 1988; 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 Carpenter of Polk, Connors of Polk and Metcalf of Polk.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Pellett of Cass offered the following House Memorial Resolution 4 and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 4

*Whereas*, The Honorable William E. Darrington of Harrison County, Iowa, who was a member of the Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second and Sixty-third General Assemblies, passed away August 16, 1988; *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 Pellett of Cass, Hester of Pottawattamie and Harbor of Mills.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Stueland of Clinton offered the following House Memorial Resolution 5 and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 5

*Whereas*, The Honorable John E. Camp of Clinton County, Iowa, who was a member of the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second, Sixty-third and Sixty-fourth General Assemblies, passed away May 4, 1988; *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 Stueland of Clinton, Ollie of Clinton and Schnekloth of Scott.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Blanshan of Greene offered the following House Memorial Resolution 6 and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 6

*Whereas*, The Honorable Henry H. Stevens of Greene County, Iowa, who was a member of the Fifty-first, Fifty-second, Fifty-second Extra, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth and Fifty-seventh General Assemblies, passed away December 17, 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 Blanshan of Greene, Peterson of Carroll and Garman of Story.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Fuller of Hardin offered the following House Memorial Resolution 7 and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 7

*Whereas, The Honorable Fred J. Paullus of Franklin County, Iowa, who was a member of the Forty-eighth and Forty-ninth General Assemblies, passed away December 25, 1988; 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 Fuller of Hardin, Stromer of Hancock and Adams of Hamilton.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Poncy of Wapello offered the following House Memorial Resolution 8 and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 8

*Whereas, The Honorable Paul A. Troeger of Wapello County, Iowa, who was a member of the Forty-eighth, Fiftieth, Fiftieth Extra, Fifty-second and Fifty-second Extra General Assemblies, passed away June 11, 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 Poncy of Wapello, Jay of Appanoose and Kistler of Jefferson.

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Beaman of Clarke offered the following House Memorial Resolution 9 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 9

*Whereas, The Honorable Alfred Eugene Jones of Clarke County, Iowa, who was a member of the Fifty-fourth and Fifty-fifth General Assemblies, passed away February 15, 1989; Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Beaman of Clarke, Daggett of Adams and Harbor of Mills.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 10

Peters of Woodbury offered the following House Memorial Resolution 10 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 10

*Whereas, The Honorable Isabel M. Elliott of Woodbury County, Iowa, who was a member of the Forty-seventh and Forty-eighth General Assemblies, passed away November 24, 1955; 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 her life, character and service to the state.*

The motion prevailed and the Speaker appointed as such committee Peters of Woodbury, Hansen of Woodbury and Shoning of Woodbury.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 344**, a bill for an act relating to the substance abuse law, was taken up for consideration.

Van Maanen of Mahaska asked and received unanimous consent to withdraw amendment H—3183 filed by him on February 22, 1989.

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. 344)

The ayes were, 94:

Adams

Arnould

Banks

Beaman

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

The nays were, none.

Absent or not voting, 6:

Bisignano	Connolly	Halvorson, R. N.	Jay
Osterberg	Sherzan		

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

**House File 346**, a bill for an act relating to the regulation of long-term care insurance and providing an applicability date, was taken up for consideration.

The House stood at ease at 10:51 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 346 at 4:08 p.m., Speaker Avenson in the chair.

Kremer of Buchanan offered the following amendment H—3207 filed by him:

H—3207

- 1 Amend House File 346 as follows:
- 2 1. Page 2, line 32, by striking the words "in
- 3 effect, renewable,".

The following amendment H-3230, to amendment H-3207, filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H-3230

- 1 Amend the amendment H-3207, to House File 346 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the word "renewable,".

On motion by Kremer of Buchanan, amendment H-3207, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 346)

The ayes were, 79:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 20:

Banks	Beaman	Bennett	Branstad
Daggett	Garman	Groninga	Halvorson, R. A.
Harbor	Hermann	Kistler	Maulsby
Metcalf	Miller	Petersen, D. F.	Renken
Royer	Schneklath	Tyrrell	Van Maanen

Absent or not voting, 1:

Connolly

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

**REREFERRED TO COMMITTEE ON  
JUDICIARY AND LAW ENFORCEMENT  
(House File 411)**

The Speaker announced that House File 411, previously referred to the committee on **human resources**, was rereferred to the committee on **judiciary and law enforcement**.

**Senate File 59**, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—3180 filed by the committee on education:

H—3180

- 1 Amend Senate File 59, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 18, by striking the word
- 4 "academic".
- 5 2. Page 1, by striking lines 22 through 35, and
- 6 inserting the following: "school district within five
- 7 days after its receipt. The board".
- 8 3. Page 2, line 11, by striking the word
- 9 "superintendent's".
- 10 4. Page 2, line 11, by striking the words
- 11 "compliance with" and inserting the following:
- 12 "implementation of".
- 13 5. Page 2, line 12, by inserting after the word
- 14 "plan." the following: "If, however, a transfer
- 15 request would facilitate a voluntary or court-ordered
- 16 desegregation plan, the district shall give priority
- 17 to granting the request over other requests."
- 18 6. Page 3, line 3, by inserting after the word
- 19 "districts," the following: "or the lowest rate
- 20 negotiated by either district which is included in any
- 21 whole-grade sharing agreements negotiated by that
- 22 district pursuant to chapter 282,".
- 23 7. Page 3, line 5, by striking the word "that"
- 24 and inserting the following: "each".
- 25 8. Page 3, line 6, by inserting after the word
- 26 "year." the following: "The district of residence
- 27 shall also transmit the phase III moneys allocated to
- 28 the district for the full-time equivalent attendance

29 of the pupil, who is the subject of the request, to  
30 the receiving district specified in the request for  
31 transfer."

32 9. Page 3, line 7, by inserting after the word  
33 "district." the following: "If the transfer of a  
34 pupil from one district to another results in a  
35 transfer from one area education agency to another,  
36 the sending district shall forward a copy of the  
37 request to the sending district's area education  
38 agency. The receiving district shall forward a copy  
39 of the request to the receiving district's area  
40 education agency. Any moneys received by the area  
41 education agency of the sending district for the child  
42 who is the subject of the request shall be forwarded  
43 to the receiving district's area education agency."

44 10. Page 3, by striking lines 12 through 14.

45 11. Page 3, by inserting before line 15 the  
46 following:

47 "A child, whose parent or guardian has submitted a  
48 request to enroll the child in a public school in  
49 another district, shall, if the request has resulted  
50 in the enrollment of the child in the other district,

**Page 2**

1 attend school in the other district which is the  
2 subject of the request. This requirement shall not  
3 apply, however, if the child's family moves out of the  
4 district of residence."

5 12. Page 3, by inserting after line 16 the fol-  
6 lowing:

7 "The board of directors of a school district  
8 subject to volunteer or court-ordered desegregation  
9 may vote not to participate in open enrollment under  
10 this section during the school year commencing July 1,  
11 1990, and ending June 30, 1991. If a district chooses  
12 not to participate in open enrollment under this  
13 paragraph, the district shall develop a policy for  
14 implementation of open enrollment in the district for  
15 that following school year. The policy shall contain  
16 objective criteria for determining when a request  
17 would adversely impact the desegregation order or plan  
18 and criteria for prioritizing requests that do not  
19 have an adverse impact on the order or plan."

20 13. Page 3, line 20, by striking the words "or  
21 any organized practice sessions".

22 14. Page 3, line 23, by inserting after the word  
23 "participate." the following: "However, a pupil who  
24 has paid tuition and attended school, or has attended  
25 school pursuant to a mutual agreement between the two  
26 districts, in a district other than the pupil's  
27 district of residence for at least one school year

28 prior to the effective date of this Act, shall be  
 29 eligible to participate in interscholastic athletic  
 30 contests and athletic competitions under this section,  
 31 but only as a member of a team from the district that  
 32 student had attended."

33 15. Page 3, by inserting after line 23 the  
 34 following:

35 "A student who has been paying tuition and  
 36 attending school in a district other than the  
 37 student's district of residence shall not be required  
 38 to file a request to attend school in that other  
 39 district during the first school year after the  
 40 effective date of this Act until August 1 of that  
 41 year.

42 If a child, for which a request to transfer has  
 43 been filed with the district of residence, has been  
 44 suspended or expelled in the district of residence,  
 45 the receiving district named in the request may refuse  
 46 the request to transfer until the child has been  
 47 reinstated in the district of residence.

48 A laboratory school under chapter 265 shall be  
 49 exempt from the provisions of this section.

50 The director of the department of education shall

**Page 3**

1 recommend rules to the state board of education for  
 2 the orderly implementation of this section. The state  
 3 board shall adopt rules as needed for the  
 4 implementation of this section."

5 16. Page 3, by striking lines 24 through 31 and  
 6 inserting the following:

7 "Sec. \_\_\_\_\_. **THREE-YEAR REPORT ON OPEN ENROLLMENT.**

8 The department of education shall conduct a three-year  
 9 study of the implementation of open enrollment in the  
 10 state. The study shall include, but not be limited  
 11 to, a comparison of graduation rates before and after  
 12 the effective date of this Act; a demographic study of  
 13 the use of the open enrollment option relating to the  
 14 number of students using the open enrollment option,  
 15 the effect of open enrollment on staffing patterns and  
 16 curricular offerings, the effect of open enrollment on  
 17 district ability to comply with desegregation orders  
 18 or plans and minimum school standards, and the effect  
 19 of open enrollment on the actual student populations  
 20 within affected districts; the effect of open  
 21 enrollment on student participation in interscholastic  
 22 athletics; and the average number of school days  
 23 missed by open enrollment participants. The data  
 24 collected, together with any conclusions, shall be  
 25 submitted in annual reports to the general assembly  
 26 until and including the general assembly which meets

27 in 1993.”

28 17. Page 3, line 32, by inserting after the word

29 “repealed” the following: “effective July 1, 1990”.

30 18. Page 4, line 2, by striking the word “fact;”

31 and inserting the following: “fact;”.

Garman of Story offered the following amendment H—3217, to the committee amendment H—3180, filed by her from the floor and moved its adoption:

H—3217

1 Amend the committee amendment, H—3180, to Senate

2 File 59 as amended, passed, and reprinted by the

3 Senate as follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. By renumbering as necessary.

Amendment H—3217 lost.

Ollie of Clinton asked and received unanimous consent to defer action on amendment H—3213.

Ollie of Clinton offered the following amendment H—3228, to the committee amendment H—3180, filed by him and Miller of Cherokee from the floor and moved its adoption:

H—3228

1 Amend the amendment, H—3180, to Senate File 59 as

2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 1, by striking lines 5 through 7 and

5 inserting the following:

6 “\_\_\_\_\_. Page 1, line 22, by striking the words

7 “receipt unless the” and inserting the following:

8 “receipt. During the 1990-1991 school year, if the”.

9 \_\_\_\_\_. Page 1, line 26, by striking the word

10 “year.” and inserting the following: “year, the board

11 of the district of residence may deny the request for

12 the 1990-1991 school year.”

13 \_\_\_\_\_. Page 1, by striking lines 32 through 35 and

14 inserting the following: “shall be considered. The

15 board”.

Amendment H—3228 was adopted, placing out of order amendment H—3213 (previously deferred) filed by Ollie of Clinton and Miller of Cherokee from the floor and amendment H—3192 filed by Miller of Cherokee on February 22, 1989, both to the committee amendment H—3180.

Carpenter of Polk offered the following amendment H—3218, to the committee amendment H—3180, filed by her from the floor and moved its adoption:

H—3218

1 Amend the amendment, H—3180, to Senate File 59, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 17, the  
5 following:

6 “\_\_\_\_\_ Page 3, by inserting before line 1, the  
7 following:

8 “A district which receives students under this  
9 section and also has increases in numbers of resident  
10 students, as reflected in increases in the district’s  
11 certified enrollment, which results in insufficient  
12 classroom space within the receiving district, may  
13 return students to the students’ resident districts  
14 within the four-year period of the students’ open  
15 enrollment requests. Districts shall develop a policy  
16 relating to the order in which students shall be  
17 returned under this paragraph. A decision to return a  
18 student to the student’s district of residence under  
19 this paragraph is subject to appeal under section  
20 290.1.” ”

21 2. By renumbering as necessary.

Roll call was requested by Carpenter of Polk and Hermann of Scott.

On the question “Shall amendment H—3218 be adopted?” (S.F. 59)

The ayes were, 46:

Banks	Beaman	Bennett	Brown
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Garman	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hermann
Hester	Jay	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Neuhauser	Pellett	Petersen, D. F.
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shultz	Siegrist
Stromer	Stueland	Svoboda	Trent
Tyrrell	Van Maanen		

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Buhr	Chapman	Cohoon

Connolly	Connors	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
May	McKinney	Mertz	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Shearet
Sherzan	Shoning	Spear	Spenner
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 1:

Plasier

Amendment H—3218 lost.

Ollie of Clinton offered the following amendment H—3234, to the committee amendment H—3180, filed by him from the floor and moved its adoption:

H—3234

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 22 the fol-
- 5 lowing:
- 6 "\_\_\_\_\_. Page 3, line 4, by striking the words
- 7 "special education or"."
- 8 2. Page 1, line 31, by inserting after the word
- 9 "transfer." the following: "If a request filed under
- 10 this section is for a child requiring special
- 11 education under chapter 281, the request to transfer
- 12 to the other district shall only be granted if the
- 13 receiving district maintains a special education
- 14 instructional program which is appropriate to meet the
- 15 child's educational needs and the enrollment of the
- 16 child in the receiving district's program would not
- 17 cause the size of the class in that special education
- 18 instructional program in the receiving district to
- 19 exceed the maximum class size in rules adopted by the
- 20 state board of education for that program. For pupils
- 21 requiring special education, the board of directors of
- 22 the district of residence shall pay to the receiving
- 23 district the actual costs incurred in providing the
- 24 appropriate special education."

Amendment H—3234 was adopted.

Garman of Story offered the following amendment H—3226, to the committee amendment H—3180, filed by her from the floor and moved its adoption:

H—3226

- 1 Amend amendment, H—3180, to Senate File 59 as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, line 30, by inserting before the word
- 5 "receiving" the following: "contiguous".
- 6 2. Page 1, line 38, by inserting before the word
- 7 "receiving" the following: "contiguous".
- 8 3. Page 1, line 39, by inserting before the word
- 9 "receiving" the following: "contiguous".
- 10 4. Page 1, line 43, by inserting before the word
- 11 "receiving" the following: "contiguous".
- 12 5. Page 1, line 49, by striking the word
- 13 "another" and inserting the following: "a
- 14 contiguous".
- 15 6. Page 1, line 50, by striking the word "other"
- 16 and inserting the following: "contiguous".
- 17 7. Page 2, line 1, by striking the word "other"
- 18 and inserting the following: "contiguous".
- 19 8. Page 2, line 26, by inserting after the words
- 20 "in a" the following: "contiguous".
- 21 9. Page 2, line 31, by inserting after the words
- 22 "from the" the following: "contiguous".
- 23 10. Page 2, line 36, by inserting before the word
- 24 "district" the following: "contiguous".
- 25 11. Page 2, line 38, by striking the word "other"
- 26 and inserting the following: "contiguous".
- 27 12. Page 2, line 45, by inserting before the word
- 28 "receiving" the following: "contiguous".

A non-record roll call was requested.

The ayes were 27, nays 47.

Amendment H—3226 lost.

Arnould of Scott asked and received unanimous consent that Senate File 59 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3180, as amended, pending.)

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 289, a bill for an act making a supplemental appropriation to the department of general services and providing an effective date.

JOHN F. DWYER, Secretary

### PRESENTATION OF VISITOR

Royer of Page presented to the House the Honorable Virgil Corey, former member of the House representing Louisa County.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF PUBLIC HEALTH

The Annual Report for the state-funded Homemaker-Home Health Aide/Chore program, pursuant to Chapter 1277, Sec. 5, 11(d), 1988 Session of the Seventy-second General Assembly.

### CERTIFICATE OF RECOGNITION

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

JOSEPH O'HERN  
Chief Clerk of the House

1989-10 Trinity United Methodist Church, Council Bluffs — Celebrating its centennial in October 1988.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 286 State Government**

Relating to membership in state group insurance plans by permitting part-time secretaries of members of the general assembly to elect membership in a plan, and providing an effective date.

#### **H.S.B. 287 State Government**

Relating to the provision of benefits for certain employees of the department of natural resources not covered under a collective bargaining agreement.

#### **H.S.B. 288 Economic Development**

Relating to the establishment of an Iowa foundation for international research to secure trade, and making an appropriation.

#### **H.S.B. 289 Economic Development**

Relating to the agricultural product advisory council.

**H.S.B. 290 Local Government**

Relating to civil service medical examinations and providing an effective date.

**COMMITTEE RECOMMENDATIONS**

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 270), relating to the number of elector signatures required to authorize inclusion of a proposition relating to the sale, lease, or other disposition of any school property on a regular election ballot.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1989.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 152**, a bill for an act relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1989.

**Committee Bill** (Formerly House Study Bill 91), relating to canteen funds under the authority of the director of the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1989.

**AMENDMENTS FILED**

H-3214	S.F.	59	Garman of Story
H-3215	S.F.	59	Garman of Story
H-3216	S.F.	59	Garman of Story
H-3219	S.F.	59	Garman of Story
H-3220	S.F.	59	Maulsby of Calhoun
H-3221	S.F.	59	Garman of Story
H-3222	S.F.	59	Spear of Lee
H-3223	S.F.	59	Spear of Lee
H-3224	S.F.	59	Spenner of Henry
H-3225	S.F.	59	Fogarty of Palo Alto
H-3227	S.F.	59	Svoboda of Tama

H-3229	S.F.	150	Garman of Story
H-3231	S.F.	59	Hammond of Story Rosenberg of Story
H-3232	S.F.	150	Hammond of Story Doderer of Johnson Osterberg of Linn Miller of Cherokee
H-3233	S.F.	105	Corbett of Linn
H-3235	S.F.	59	Swartz of Marshall
H-3237	S.F.	150	Osterberg of Linn Hammond of Story McKean of Jones
H-3238	S.F.	150	Osterberg of Linn Hammond of Story McKean of Jones
H-3239	S.F.	59	Maulsby of Calhoun
H-3240	S.F.	59	Corbett of Linn Siegrist of Pottawattamie
H-3241	H.F.	367	Groninga of Cerro Gordo
H-3242	S.F.	59	Bennett of Ida
H-3243	H.F.	401	Corbett of Linn
H-3244	S.F.	59	Metcalf of Polk
H-3245	S.F.	59	Spenner of Henry

On motion by Arnould of Scott, the House adjourned at 5:31 p.m., until 9:00 a.m., Tuesday, February 28, 1989.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 28, 1989

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

Prayer was offered by the Honorable Michael K. Peterson, state representative from Carroll County.

The Journal of Monday, February 27, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Wise of Lee, from one hundred eighteen Van Buren County residents favoring the reconstruction by the Department of Natural Resources of the scenic trail around the lake in Lacey-Keosauqua State Park.

## INTRODUCTION OF BILLS

**House Joint Resolution 11**, by Fuller, a joint resolution proposing an amendment to the Constitution of the State of Iowa to increase the term of office for a member of the house of representatives to four years.

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

**House File 416**, by Halvorson of Clayton and Harbor, a bill for an act relating to the actual, assessed, and taxable value of certain property.

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

**House File 417**, by Rosenberg, a bill for an act relating to court costs, by authorizing the clerk of the district court to tax juror's fees as court costs.

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

**House File 418**, by committee on education, a bill for an act relating to the number of elector signatures required to authorize inclusion of a proposition relating to school districts on a regular election ballot.

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

**House File 419**, by Beatty, a bill for an act relating to the time period for the service of a uniform traffic citation for violations involving disobedience of the warning lamps, signal lamps, and stop arms of school buses.

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

**House File 420**, by Bisignano, a bill for an act authorizing the board of supervisors to review and remand a decision of the board of adjustment.

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

**House File 421**, by Schnekloth, De Groot, Fogarty, Banks, Stueland, Petersen of Muscatine and Branstad, a bill for an act requiring corn labeled or advertised as hybrid corn to be sold in fifty-six pound containers and making a penalty applicable.

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

**House File 422**, by Muhlbauer, a bill for an act relating to the charging of unemployment compensation benefits against the account of an employer.

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

**House File 423**, by Renken, a bill for an act relating to prohibited practices involving labor union membership and providing a remedy.

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

**House File 424**, by Renken, Miller, Tyrrell, Hester, Plasier, Kistler, Kremer and Hermann, a bill for an act relating to prohibition of certain actions by labor organizations and other persons, and making penalties applicable.

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

**House File 425**, by Renken, a bill for an act prohibiting school board members' spouses from receiving direct compensation from the school board.

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

**House File 426**, by Brammer, a bill for an act regulating persons engaged in private investigation and security businesses, and providing an effective date.

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

**House File 427**, by Spenner, a bill for an act relating to the eligibility of certain medical assistance recipients.

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

**House File 428**, by Miller, a bill for an act relating to the disposal of unclaimed articles left with dry cleaners or launderers.

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

**House File 429**, by Jochum, a bill for an act prohibiting modification of the supreme court's submission of its budget estimate for the judicial department, and providing a penalty.

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

**House File 430**, by Pavich, a bill for an act authorizing the appointment or designation of a city health officer.

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

**House File 431**, by Beatty and Hibbard, a bill for an act relating to city development by revising requirements for approval of a proposal for the annexation or severance of territory.

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

**House File 432**, by committee on state government, a bill for an act relating to canteen funds under the authority of the director of the department of corrections.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 201**, by committee on judiciary, a bill for an act expanding the definition of sex act and making more acts subject to penalties.

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

**Senate File 216**, by committee on human resources, a bill for an

act relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

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

### CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **Senate File 59**, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date, and the committee amendment H—3180, as amended, found on pages 566 through 569 of the House Journal.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3231.

Maulsby of Calhoun offered the following amendment H—3212, to the committee amendment H—3180, filed by him and moved its adoption:

H—3212

- 1 Amend the Committee amendment, H—3180, to Senate
- 2 File 59 as amended, passed, and reprinted by the
- 3 Senate as follows:
- 4 1. Page 1, by striking line 31 and inserting the
- 5 following: "transfer. However, if the district of
- 6 residence has outstanding obligations on school bonds,
- 7 has entered into a rental or lease arrangement under
- 8 section 279.26, or has entered into a loan agreement
- 9 in anticipation of the collection of the schoolhouse
- 10 tax under section 297.36, only fifty percent of the
- 11 property tax portion of the district cost per pupil
- 12 shall be paid to the receiving district for the first
- 13 three years of the transfer, unless the debt is paid
- 14 before the end of the three years. If the debt is
- 15 paid in less than three years from the date of the
- 16 transfer or if three years pass, from the date of the
- 17 transfer, without retirement of the district of
- 18 residence's debt obligation, whichever date is sooner,
- 19 the full amount of the district cost per pupil shall
- 20 then be paid to the receiving district."

Amendment H—3212 was adopted, placing out of order amendment H—3231 (previously deferred) filed by Hammond of Story and Rosenberg of Story on February 27, 1989.

Stromer of Hancock offered the following amendment H—3246, to the committee amendment H—3180, filed by him from the floor and moved its adoption:

H—3246

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 18 through 31 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 3, by striking lines 1 through 6 and
- 7 inserting the following:
- 8 "The board of directors of the district of resi-
- 9 dence shall pay to the receiving school district an
- 10 amount which is equal to seventy-five percent of the
- 11 resident district's cost per pupil. Quarterly
- 12 payments shall be made to the receiving".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—3246 be adopted?"  
(S.F. 59)

The ayes were, 32:

Banks	Beaman	Bennett	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Jay
Kistler	Kremer	Lundby	Maulsby
McKean	McKinney	Mertz	Miller
Pellett	Petersen, D. F.	Renken	Royer
Stromer	Stueland	Tyrrell	Van Maanen

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lykam	Metcalf	Muhlbauer	Neuhausser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Teaford	Trent	Wise	Mr. Speaker
			Avenson

Absent or not voting, 4:

Connors                      May                                      Plasier                                      Tabor

Amendment H—3246 lost.

Garman of Story asked and received unanimous consent to withdraw amendment H—3221 filed by her on February 27, 1989.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—3224 filed by him on February 27, 1989.

Svoboda of Tama offered the following amendment H—3227, to the committee amendment H—3180, filed by her and moved its adoption:

H—3227

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 20 and 21 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 3, by striking lines 18 through 20 and
- 7 inserting the following: "than the district of
- 8 residence and is enrolled in tenth, eleventh, or
- 9 twelfth grade is not eligible to participate in
- 10 interscholastic athletic contests and athletic
- 11 competitions during the first year of"."
- 12 2. Page 2, line 23, by inserting after the word
- 13 "pupil" the following: "enrolled in tenth, eleventh,
- 14 or twelfth grade".

A non-record roll call was requested.

The ayes were 22, nays 61.

Amendment H—3227 lost.

Fogarty of Palo Alto offered the following amendment H—3225, to the committee amendment H—3180, filed by him and moved its adoption:

H—3225

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 32, by inserting after the word
- 5 "attended." the following: "A student who has been
- 6 paying tuition and attending a nonpublic school in a
- 7 district other than the student's district of
- 8 residence for at least one school year prior to the
- 9 effective date of this Act, shall be eligible to

10 participate in interscholastic athletic contests and  
11 athletic competitions, if the student transfers to a  
12 public school in the district in which the nonpublic  
13 school is located by filing a request under this  
14 section, but only as a member of the public school  
15 team from the district in which the student has  
16 attended school.”

A non-record roll call was requested.

The ayes were 31, nays 41.

Amendment H—3225 lost.

(The committee amendment H—3180, as amended, to Senate File  
59 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 10:30  
a.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 179, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

Also: That the Senate has on February 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 225, a bill for an act allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

Also: That the Senate has on February 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 229, a bill for an act allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

JOHN F. DWYER, Secretary

#### BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 59**, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to pro-

vide an effective date, and the committee amendment H—3180, as amended, found on pages 566 through 569 of the House Journal.

Hermann of Scott asked and received unanimous consent to defer action on amendment H—3252.

Corbett of Linn asked and received unanimous consent to defer action on amendment H—3200.

Corbett of Linn offered the following amendment H—3240, to the committee amendment H—3180, filed by him and Siegrist of Potawatamie:

H—3240

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 20 through 32 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 3, by striking lines 17 through 23."
- 7 2. By renumbering as necessary.

Blanshan of Greene in the chair at 3:07 p.m.

Corbett of Linn moved the adoption of amendment H—3240, to the committee amendment H—3180.

Roll call was requested by Eddie of Buena Vista and Hansen of Woodbury.

On the question "Shall amendment H—3240 be adopted?"  
(S.F. 59)

The ayes were, 43:

Banks	Beatty	Bisignano	Black
Brammer	Brand	Buhr	Connors
Corbett	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Groninga
Halvorson, R. A.	Hansen, S. D.	Harbor	Hermann
Jochum	Johnson	Kistler	Koenigs
Kremer	Lundby	McKinney	Nielsen
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Teaford	

The nays were, 52:

Adams	Arnould	Avenson, Spkr.	Beaman
Bennett	Branstad	Brown	Carpenter
Chapman	Clark	Cohoon	Connolly

Daggett	De Groot	Fey	Garman
Gruhn	Halvorson, R. N.	Hammond	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Holveck	Jay	Jesse	Knapp
Lageschulte	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Ollie	Osterberg
Pellett	Plasier	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Trent
Tyrrell	Van Maanen	Wise	Blanshan Presiding

Absent or not voting, 5:

Hibbard	Schnekloth	Shoultz	Swartz
Tabor			

Amendment H—3240 lost.

Eddie of Buena Vista offered the following amendment H—3252 (previously deferred), to the committee amendment H—3180, filed by him and Hermann of Scott from the floor and moved its adoption:

H—3252

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 21, the
- 5 following:
- 6 "\_\_\_\_\_. Page 3, line 20, by inserting before the
- 7 word "during" the following: "or extracurricular
- 8 activities".
- 9 \_\_\_\_\_. Page 3, line 22, by inserting after the word
- 10 "sport" the following: "or extracurricular
- 11 activity"."

A non-record roll call was requested.

The ayes were 33, nays 47.

Amendment H—3252 lost.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3200 (previously deferred) filed by him and Siegrist of Pottawattamie on February 23, 1989.

Spear of Lee offered the following amendment H—3222, to the committee amendment H—3180, filed by him and moved its adoption:

H—3222

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 2, by striking lines 37 through 41 and  
5 inserting the following: "student's district of  
6 residence shall be permitted to attend school in the  
7 district where the student has been paying tuition,  
8 during the 1989-1990 school year, by filing a request  
9 to use the open enrollment option under this section  
10 by August 1, 1989."

Amendment H—3222 was adopted.

Speaker Avenson in the chair at 3:29 p.m.

Spear of Lee offered the following amendment H—3223, to the committee amendment H—3180, filed by him and moved its adoption:

H—3223

1 Amend the amendment, H—3180, to Senate File 59, as  
2 amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 2, by inserting after line 41 the  
5 following:  
6 "A student, whose district of residence, for the  
7 purposes of school attendance, changes during the  
8 1989-1990 school year, shall be permitted to attend  
9 school during the 1989-1990 school year in the  
10 district in which the student attended during the  
11 1988-1989 school year if a request to use the open  
12 enrollment option under this section is filed by  
13 August 1, 1989."

Amendment H—3223 was adopted.

Maulsby of Calhoun offered the following amendment H—3239, to the committee amendment H—3180, filed by him:

H—3239

1 Amend the amendment, H—3180, to Senate File 59, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, by inserting after line 31, the  
5 following:  
6 "\_\_\_\_\_. Page 4, by striking lines 14 and 15 and  
7 inserting the following:  
8 "Sec. \_\_\_\_\_. This Act shall not take effect until  
9 rules have been adopted by the state board of  
10 education under chapter 17A and the administrative  
11 rules review committee finds no objection to the  
12 rules." "

The following amendment H—3256, to amendment H—3239, to the committee amendment H—3180, filed by Maulsby of Calhoun from the floor was adopted by unanimous consent:

H—3256

- 1 Amend the amendment, H—3239, to Senate File 59,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 10 through 12 and
- 5 inserting the following: "education under chapter 17A."

Maulsby of Calhoun moved the adoption of amendment H—3239, as amended, to the committee amendment H—3180.

A non-record roll call was requested.

The ayes were 27, nays 42.

Amendment H—3239, as amended, lost.

The House stood at ease at 3:37 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3180, as amended, to Senate File 59 at 3:42 p.m., Speaker Avenson in the chair.

Stromer of Hancock offered the following amendment H—3255, to the committee amendment H—3180, filed by him from the floor and moved its adoption:

H—3255

- 1 Amend the amendment, H—3180, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 18 through 22 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 3, by striking lines 2 and 3 and
- 7 inserting the following: "pay to the receiving
- 8 district during the first year of enrollment sixty
- 9 percent of the district cost per pupil of the sending
- 10 district, during the second year of enrollment eighty
- 11 percent of the district cost per pupil of the sending
- 12 district, and during the third and succeeding years of
- 13 enrollment the district cost per pupil of the sending
- 14 district, plus any moneys received for the".

Amendment H—3255 was adopted.

Ollie of Clinton asked and received unanimous consent to defer action on the committee amendment, H—3180, as amended.

Metcalf of Polk offered the following amendment H—3209 filed by Metcalf, et al., and moved its adoption:

H-3209

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 5, by striking the figure "1989"
- 4 and inserting the following: "1990".

Amendment H-3209 lost.

Daggett of Adams asked and received unanimous consent to defer action on amendment H-3205.

Daggett of Adams offered the following amendment H-3201 filed by him and moved its adoption:

H-3201

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the figure
- 4 "1989," the following: "in districts with a certified
- 5 enrollment of more than one thousand pupils,".
- 6 2. Page 1, line 5, by inserting after the word
- 7 "and" the following: "in all school districts
- 8 during".

A non-record roll call was requested.

The ayes were 26, nays 38.

Amendment H-3201 lost.

Stromer of Hancock offered the following amendment H-3205, previously deferred, filed by him and moved its adoption:

H-3205

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "for" the following: "children who are to be enrolled
- 5 in grades nine through twelve during".

Amendment H-3205 lost.

Metcalf of Polk asked and received unanimous consent to defer action on amendment H-3208.

Metcalf of Polk offered the following amendment H-3244 filed by her and moved its adoption:

H-3244

- 1 Amend Senate File 59 as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 1, lines 5 and 6, by striking the words  
 4 "each succeeding school year" and inserting the  
 5 following: "ending June 30, 1991, if both the  
 6 district of residence and the receiving district agree  
 7 to participate in open enrollment".

8 2. Page 1, by inserting after line 9, the  
 9 following:

10 "For the school year commencing July 1, 1991, and  
 11 ending June 30, 1992, school districts with certified  
 12 enrollments of less than one thousand pupils are not  
 13 required to send and receive pupils under this  
 14 section. For the school year commencing July 1, 1992,  
 15 and for succeeding years, all school districts shall  
 16 be required to send and receive pupils under this  
 17 section."

18 3. Page 3, by inserting after line 23, the  
 19 following:

20 "Any district which agrees to participate in open  
 21 enrollment under this section shall not deny a  
 22 parent's or guardian's request to transfer a pupil to  
 23 or from the district if the district has either sent  
 24 or received pupils under this section, except where  
 25 there is insufficient class space or an adverse effect  
 26 on a desegregation order or plan."

Amendment H—3244 lost.

Metcalf asked and received unanimous consent to withdraw amendment H—3208 (previously deferred) filed by her and De Groot of Lyon on February 23, 1989.

The House resumed consideration of the committee amendment H—3180, as amended.

Doderer of Johnson called up for consideration the motion to reconsider amendment H—3255, to the committee amendment H—3180, filed by her from the floor and moved to reconsider the vote by which amendment H—3255 was adopted by the House on February 28, 1989.

Roll call was requested by Stromer of Hancock and Stueland of Clinton.

On the question "Shall the motion to reconsider amendment H—3255 prevail?" (S.F. 59)

The ayes were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky

Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Hermann	Holveck
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schnekloth	Shearer
Sherzan	Shoultz	Spear	Stueland
Svoboda	Swartz	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 38:

Banks	Beaman	Bennett	Black
Branstad	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Hibbard
Jay	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
Mertz	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schrader	Shoning
Siegrist	Spenner	Stromer	Tabor
Tyrrell	Van Maanen		

Absent or not voting, 4:

Eddie	Haverland	Plasier	Rosenberg
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The motion prevailed and the House reconsidered amendment H—3255, to the committee amendment H—3180, placing out of order the motion to reconsider amendment H—3255 filed by Neuhauser of Johnson from the floor.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, for the remainder of the day, on request of Stueland of Clinton.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—3255.

Division of the committee amendment was requested as follows:

H—3180A — Lines 3 through 17 and 23 through 50, page 1; all of pages 2 and 3.

H—3180B — Lines 18 through 22, page 1.

Shoultz of Black Hawk in the chair at 4:31 p.m.

Ollie of Clinton moved the adoption of the committee amendment H—3180A, as amended.

The committee amendment H—3180A, as amended, was adopted.

Ollie of Clinton moved the adoption of the committee amendment H—3180B.

The committee amendment H—3180B lost.

De Groot of Lyon offered the following amendment H—3197 filed by him and moved its adoption:

H—3197

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 6, by striking the words "in a"
- 4 and inserting the following: "in an Iowa".
- 5 2. Page 1, line 8, by inserting after the word
- 6 "another" the following: "Iowa".

Amendment H—3197 lost.

Garman of Story offered the following amendment H—3204 filed by her and moved its adoption:

H—3204

- 1 Amend Senate File 59, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 8, by striking the word "another"
- 4 and inserting the following: "a contiguous".
- 5 2. Page 1, line 17, by striking the word
- 6 "another" and inserting the following: "a
- 7 contiguous".
- 8 3. Page 1, line 19, by inserting before the word
- 9 "receiving" the following: "contiguous".
- 10 4. Page 1, line 21, by inserting before the word
- 11 "receiving" the following: "contiguous".
- 12 5. Page 1, line 29, by inserting before the word
- 13 "receiving" the following: "contiguous".
- 14 6. Page 1, line 31, by striking the word "other"
- 15 and inserting the following: "contiguous".
- 16 7. Page 1, line 32, by striking the word
- 17 "another" and inserting the following: "a
- 18 contiguous".
- 19 8. Page 2, line 1, by inserting before the word
- 20 "receiving" the following: "contiguous".
- 21 9. Page 2, line 22, by inserting before the word
- 22 "receiving" the following: "contiguous".
- 23 10. Page 2, line 23, by inserting after the word
- 24 "different" the following: "contiguous".

- 25 11. Page 2, line 25, by inserting after the word  
26 "different" the following: "contiguous".  
27 12. Page 2, line 27, by striking the word "other"  
28 and inserting the following: "contiguous".

Amendment H—3204 lost.

Speaker Avenson in the chair at 4:44 p.m.

Garman of Story offered the following amendment H—3211 filed by her and moved its adoption:

H—3211

- 1 Amend Senate File 59, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 10 through 12, and  
4 inserting the following:  
5 "By September 15 of the preceding school year,".

Amendment H—3211 lost.

Garman of Story offered the following amendment H—3210 filed by her and moved its adoption:

H—3210

- 1 Amend Senate File 59, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, line 20, by striking the words  
4 "graduate, the" and inserting the following:  
5 "graduate or the".  
6 2. Page 2, line 21, by striking the words  
7 "district, or the parent or" and inserting the  
8 following: "district."  
9 3. Page 2, by striking lines 22 and 23.  
10 4. Page 2, line 24, by striking the word  
11 "period."

Amendment H—3210 lost.

Swartz of Marshall offered the following amendment H—3235 filed by him and moved its adoption:

H—3235

- 1 Amend Senate File 59, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, by striking lines 20 through 24, and  
4 inserting the following: "than the length of time of  
5 any sharing agreement entered into by the receiving  
6 district. If the receiving district has not entered  
7 into any sharing agreements, the request is for a  
8 period of not less than the length of time of any  
9 collective bargaining agreement entered into by the

10 receiving district. If the receiving district has not  
 11 entered into any collective bargaining agreements, the  
 12 request is for a period of not less than one year. A  
 13 pupil who graduates or whose family moves to another  
 14 school district is not required to attend the district  
 15 specified in the request. A parent or guardian may  
 16 petition the receiving district for permission to  
 17 enroll the pupil in a different district within the  
 18 period of the request. If the parent or guardian  
 19 requests permission of the".

20 2. Page 2, line 26, by striking the words "four-  
 21 year period" and inserting the following: "period of  
 22 the request".

23 3. Page 2, line 34, by striking the words "four-  
 24 year period" and inserting the following: "period of  
 25 the request".

Amendment H—3235 lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3206 filed by him on February 23, 1989, placing out of order amendments H—3215 and H—3219, both to amendment H—3206, filed by Garman of Story on February 27, 1989.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3184 filed by him on February 22, 1989, placing out of order amendment H—3220, to amendment H—3184, filed by him on February 27, 1989.

Siegrist of Pottawattamie offered the following amendment H—3203 filed by him and Shoultz of Black Hawk:

H—3203

1 Amend Senate File 59, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 3, line 11, by inserting after the word  
 4 "district" the following: ", unless the child meets  
 5 the economic eligibility requirements, established  
 6 under the federal National School Lunch and Child  
 7 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or  
 8 reduced price lunches. If the child meets those  
 9 requirements, the sending district shall be  
 10 responsible for providing transportation or paying the  
 11 pro rata cost of the transportation to a parent or  
 12 guardian for transporting the child to and from a  
 13 point on a regular school bus route of the receiving  
 14 district unless the cost of providing transportation  
 15 or the pro rata cost of the transportation to a parent  
 16 or guardian exceeds the average transportation cost  
 17 per pupil transported for the previous school year in  
 18 the district. If the cost exceeds the average

19 transportation cost per pupil transported for the  
20 previous school year, the sending district shall only  
21 be responsible for that average per pupil amount. A  
22 sending district which provides transportation to a  
23 child under this paragraph may withhold from the  
24 district cost per pupil amount, that is to be paid to  
25 the receiving district, an amount which represents the  
26 average or pro rata cost per pupil for transportation,  
27 whichever is less".

Siegrist of Pottawattamie offered the following amendment H-3247, to amendment H-3203, filed by him from the floor and moved its adoption:

H-3247

1 Amend amendment, H-3203, to Senate File 59, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 13, by striking the word "the"  
5 and inserting the following: "a contiguous".  
6 2. Page 1, line 22, by striking the word "to" and  
7 inserting the following: "for".  
8 3. Page 1, line 23, by inserting after the word  
9 "child" the following: "to a contiguous receiving  
10 district".

Amendment H-3247 was adopted.

Siegrist of Pottawattamie moved the adoption of amendment H-3203, as amended.

A non-record roll call was requested.

The ayes were 57, nays 26.

Amendment H-3203, as amended, was adopted.

Garman of Story asked and received unanimous consent to withdraw amendment H-3214 filed by her on February 27, 1989.

Garman of Story offered the following amendment H-3216 filed by her:

H-3216

1 Amend Senate File 59, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, line 11, by inserting after the word  
4 "district." the following: "A parent or guardian  
5 whose child transfers to another district under this  
6 section shall pay to the receiving district an amount  
7 which equals the property tax amount that the parent  
8 or guardian would have been assessed, for the purposes

9 of paying the principal of and interest on bonded  
10 indebtedness of the receiving school district, if the  
11 child's family lived in the receiving district."

Stromer of Hancock offered the following amendment H—3261,  
to amendment H—3216, filed by him from the floor:

H—3261

1 Amend the amendment, H—3216, to Senate File 59, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by inserting after line 2 the fol-  
5 lowing:

6 " \_\_\_\_\_. Page 1, line 8, by inserting after the word  
7 "another" the following: "public school in the  
8 child's district of residence or a public school in  
9 another".

10 \_\_\_\_\_. Page 1, line 17, by striking the word "a"  
11 and inserting the following: "another public school  
12 within the district of residence or a".

13 \_\_\_\_\_. Page 1, line 17, by striking the word "The"  
14 and inserting the following: "If the request is a  
15 request to transfer to a school within a district  
16 outside the district of residence, the".

17 \_\_\_\_\_. Page 2, line 7, by inserting before the word  
18 "district" the following: "public school within a  
19 district or a".

20 2. By renumbering as necessary.

Stromer of Hancock asked and received unanimous consent to  
withdraw amendment H—3261.

On motion by Garman of Story, amendment H—3216 lost.

Bennett of Ida offered the following amendment H—3242 filed by  
him and moved its adoption:

H—3242

1 Amend Senate File 59, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 11, by inserting after the word  
4 "district" the following: "and the receiving district  
5 shall not send school vehicles into the district of  
6 residence of the pupil using the open enrollment  
7 option under this section, for the purpose of  
8 transporting the pupil to and from school in the  
9 receiving district".

Amendment H—3242 was adopted.

Siegrist of Pottawattamie offered the following amendment  
H—3198 filed by Eddie of Buena Vista and moved its adoption:

H—3198

- 1 Amend Senate File 59, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, line 20, by striking the word "year"
- 4 and inserting the following: "semester".

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—3198 lost.

Spenner of Henry offered the following amendment H—3245 filed by him and moved its adoption:

H—3245

- 1 Amend Senate File 59, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 17, by striking the words
- 4 "attends school" and inserting the following:
- 5 "attends a grade in grades nine through twelve".

A non-record roll call was requested.

The ayes were 54, nays 26.

Amendment H—3245 was adopted.

Siegrist of Pottawattamie offered the following amendment H—3199 filed by him and moved its adoption:

H—3199

- 1 Amend Senate File 59 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 23, by inserting after the word
- 4 "participate" the following: "or unless the sport in
- 5 which the student wishes to participate is not offered
- 6 in the district of residence".

A non-record roll call was requested.

The ayes were 49, nays 28.

Amendment H—3199 was adopted.

The Speaker ruled out of order amendment H—3202 filed by Corbett of Linn and Siegrist of Pottawattamie on February 23, 1989, as subject matter previously considered.

Bennett of Ida asked and received unanimous consent to reconsider the vote by which amendment H—3242 (found on page 594 of the House Journal), was adopted by the House on February 28, 1989.

The following amendment H—3262, to amendment H—3242, filed by Bennett of Ida from the floor was adopted by unanimous consent:

H—3262

- 1 Amend amendment H—3242, to Senate File 59, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 4, by striking the words
- 5 "and the" and inserting the following: ". A".

On motion by Bennett of Ida, amendment H—3242, as amended, was adopted.

Plasier of Sioux in the chair at 6:02 p.m.

Speaker Avenson in the chair at 6:45 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, for the remainder of the day, on request of Fogarty of Palo Alto.

The House stood at ease at 6:53 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 59 at 7:00 p.m., Speaker Avenson in the chair.

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

On the question "Shall the bill pass?" (S.F. 59)

The ayes were, 53:

Adams	Arnould	Blanshan	Brammer
Branstad	Carpenter	Chapman	Cohoon
Connors	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Haverland
Hibbard	Holveck	Jesse	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lykam	May	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Shearer	Shoning
Siegrist	Spear	Spenner	Stromer
Swartz	Tabor	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 44:

Banks	Beaman	Beatty	Bennett
Bisignano	Brand	Brown	Buhr
Clark	Connolly	Corbett	Daggett
Diemer	Garman	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Jay	Jochum
Koenigs	Lundby	Maulsby	McKean
McKinney	Osterberg	Pellett	Peters
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoultz
Svoboda	Teaford	Tyrrell	Van Maanen

Absent or not voting, 3:

Black	Eddie	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.

#### SENATE MESSAGE CONSIDERED

**Senate File 289**, by committee on appropriations, a bill for an act making a supplemental appropriation to the department of general services and providing an effective date.

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

#### IMMEDIATE MESSAGE

(Senate File 59)

Arnould of Scott asked and received unanimous consent to immediately message Senate File 59 to the Senate.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, February 27, 1989. Had I been present, I would have voted "aye" on House Files 344 and 346.

CONNOLLY of Dubuque

#### PRESENTATION OF VISITORS

Muhlbauer of Crawford presented to the House Foreign Exchange Students Tarja Hoffstrom, Finland and Carlos Lopez, Spain. They were accompanied by JoAnn Feltz and Jan Stamp who are hosting the students.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 291 Local Government**

Relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

**H.S.B. 292 State Government**

Relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner.

**H.S.B. 293 State Government**

Relating to the filing of a bond by out-of-state contractors.

**H.S.B. 294 Energy and Environmental Protection**

Relating to environmental protection including provisions regarding pesticides, fertilizers, and animal waste systems; establishing fees; providing penalties; making appropriations; and providing for other properly related matters.

**H.S.B. 295 Judiciary and Law Enforcement**

Relating to written credit agreements between a creditor and debtor and rights of action on that agreement.

**H.S.B. 296 Judiciary and Law Enforcement**

Relating to stockholder indemnity and contribution.

**H.S.B. 297 Judiciary and Law Enforcement**

Relating to salaries of the clerks of the district court.

**H.S.B. 298 Agriculture**

Relating to the sterilization of dogs and cats, and providing for the creation and appropriation of moneys in a fund and the imposition of fees and civil penalties.

**H.S.B. 299 Agriculture**

Relating to the powers and duties of the Iowa corn promotion board.

**H.S.B. 300 Labor and Industrial Relations**

Relating to oral communication between an employee's health care provider and the employer or insurance carrier in workers' compensation cases.

**H.S.B. 301 Labor and Industrial Relations**

Relating to the confidentiality of information received in an Iowa occupational safety and health investigation.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 11**

State Government: Blanshan, Chair; Halvorson of Webster and Hanson of Delaware.

**House File 145 (Reassigned)**

Education: Neuhauser, Chair; Beaman and Cohoon.

**House File 379**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 383**

Local Government: Peters, Chair; McKean and Shearer.

**House File 384**

Local Government: Fuller, Chair; Eddie and Haverland.

**House File 387**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 392**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 394**

Labor and Industrial Relations: Blanshan, Chair; Diemer and Wise.

**House File 395**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 396**

Economic Development: Swartz, Chair; Bennett, Brand, Brandstad and Dvorsky.

**House File 404**

Local Government: Bisignano, Chair; Brown and Royer.

**House File 407**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renken.

**House File 408**

Labor and Industrial Relations: Harper, Chair; Diemer and Halvorson of Webster.

**House File 413**

Education: Neuhauser, Chair; Beaman and Cohoon.

**House File 415**

Transportation: Fey, Chair; Connolly and Royer.

**House File 423**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 424**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 426**

State Government: Beatty, Chair; Knapp, Poncy, Tyrrell and Van Maanen.

**Senate File 46**

Labor and Industrial Relations: Sherzan, Chair; Connors and Hermann.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 278**

Local Government: Connors, Chair; Diemer and Hatch.

**House Study Bill 280**

Local Government: Hatch, Chair; Fuller and Spenner.

**House Study Bill 281**

Local Government: Fogarty, Chair; Banks and Mertz.

**House Study Bill 286**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renken.

**House Study Bill 287**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renken.

**House Study Bill 288**

Economic Development: Swartz, Chair; Halvorson of Webster, Hermann, Lageschulte and Svoboda.

**House Study Bill 289**

Economic Development: Swartz, Chair; Halvorson of Webster, Hermann, Lageschulte and Svoboda.

**House Study Bill 292**

State Government: Peterson of Carroll, Chair; Beatty, Hanson of Delaware, Poncey and Van Maanen.

**House Study Bill 293**

State Government: Blanshan, Chair; Poncey and Renken.

**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 148), relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1989.

**Committee Bill** (Formerly House Study Bill 251), eliminating refunds from excise taxes on egg sales.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**House File 54**, a bill for an act creating an advisory council on head injuries, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3251** February 27, 1989.

**Pursuant to Rule 31.7, House File 54 was referred to the committee on appropriations.**

**Senate File 122**, a bill for an act relating to the practice of tattooing and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 13**, a bill for an act relating to conduct which endangers the physical health or safety of a student and which is a condition of association with a student group or organization, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3250** February 27, 1989.

**House File 20**, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3248** February 27, 1989.

**Committee Bill** (Formerly House Study Bill 8), relating to the inspection of a body by the state medical examiner or a county medical examiner prior to cremation of the body, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1989.

**Committee Bill** (Formerly House Study Bill 256), relating to the foreclosure and sale of real property.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 155), relating to the designation, inventory, sale, and protection of protected wetlands, and providing a civil penalty for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1989.

#### AMENDMENTS FILED

H—3248	H.F.	20	Committee on Judiciary and Law Enforcement
H—3250	H.F.	13	Committee on Judiciary and Law Enforcement
H—3251	H.F.	54	Committee on Human Resources
H—3253	H.F.	373	Dvorsky of Johnson
H—3254	S.F.	150	Carpenter of Polk Blanshan of Greene
H—3258	H.F.	54	Fey of Scott
H—3259	H.F.	291	Koenigs of Mitchell Connolly of Dubuque
H—3260	H.F.	373	Chapman of Linn

H—3263

H.F. 367

Beatty of Warren

On motion by Arnould of Scott, the House adjourned at 7:16 p.m., until 9:00 a.m., Wednesday, March 1, 1989.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 1, 1989

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

Prayer was offered by the Honorable William J. Brand, state representative from Benton County.

The Journal of Tuesday, February 28, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hester of Pottawattamie, from one hundred forty constituents of District 98 opposing the decision to allow pornographic libraries in the prisons of Iowa.

By Schnekloth of Scott, from one thousand nine hundred thirty-eight residents opposing Senate File 124 relating to riverboat gambling.

By Wise of Lee, from one hundred eighteen citizens favoring the adoption of House File 5, providing for choice of doctor under workers' compensation.

By Wise of Lee, from sixty-one constituents favoring the positions of rural schools of Iowa regarding amendments to Senate File 59, the open enrollment bill.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hermann of Scott on request of Miller of Cherokee; Holveck of Polk on request of Hammond of Story; Halvorson of Webster on request of Connolly of Dubuque, all until their arrival; Koenigs of Mitchell on request of Royer of Page.

## INTRODUCTION OF BILLS

**House File 433**, by committee on transportation, a bill for an act relating to driver education requirements by requiring public school districts to allow certain fourteen-year-olds to attend driver education courses and by requiring successful completion of an approved driver education course before a person may be issued a school license.

Read first time and placed on the calendar.

**House File 434**, by committee on transportation, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

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

**House File 435**, by committee on natural resources and outdoor recreation, a bill for an act relating to the designation, inventory, sale, taxation, and protection of protected wetlands, and providing a civil penalty for violations.

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

**House File 436**, by committee on judiciary and law enforcement, a bill for an act relating to the foreclosure and sale of real property.

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

**House File 437**, by Garman and Spear, a bill for an act relating to medical malpractice insurance by providing for the state and regional pricing of medical malpractice insurance.

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

**House File 438**, by Renken, a bill for an act requiring notice and a public hearing prior to the purchase of recreational bikeways by political subdivisions of the state.

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

**House File 439**, by Garman, a bill for an act relating to the investment and expenditure of funds for perpetual care cemeteries.

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

**House File 440**, by Fey, a bill for an act relating to the payment of delinquent property taxes.

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

**House File 441**, by committee on judiciary and law enforcement, a bill for an act relating to the inspection of a body by a county medical examiner prior to cremation of the body, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

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

**House File 442**, by Sherzan, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

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

**House File 443**, by Shoultz, Connolly, Harper, Teaford and Harbor, a bill for an act relating to the unclaimed winnings from and the taxes imposed on pari-mutuel wagering at racetracks in the state and providing applicability and effective dates.

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

**House File 444**, by Hermann, 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 **labor and industrial relations**.

**House File 445**, by Van Maanen, a bill for an act relating to making appropriations from the Iowa economic emergency fund.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 130**, by Deluhery, a bill for an act relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

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

**Senate File 179**, by Dieleman, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

Read first time and **passed on file**.

**Senate File 225**, by committee on environment and energy utilities, a bill for an act allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

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

**Senate File 229**, by committee on environment and energy utilities, a bill for an act allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 27, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 195, a bill for an act relating to a mandatory assignment of unemployment benefits by the child support recovery unit.

Also: That the Senate has on February 27, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 14, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

Also: That the Senate has on February 27, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 38, a bill for an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 82, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 117, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 131, a bill for an act relating to the purchase by the state and its political subdivisions of products made by handicapped Iowans.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 167, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 174, 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, and providing for the retroactive applicability of the Act and an effective date.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 213, a bill for an act exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting, or selling these items and providing effective and retroactive effective dates.

Also: That the Senate has on February 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 215, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment.

JOHN F. DWYER, Secretary

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Fey of Scott called up for consideration House Concurrent Resolution 6, a concurrent resolution designating March 1989 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGE (House Concurrent Resolution 6)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 6 be immediately messaged to the Senate.

## CONSIDERATION OF BILLS Regular Calendar

**House File 367**, a bill for an act relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H-3241 filed by him and moved its adoption:

H-3241

1 Amend House File 367 as follows:

2 1. Page 5, lines 10 and 11, by striking the  
 3 following: "paragraph g, Code 1989, is amended to  
 4 read as follows:" and inserting the following:  
 5 "paragraphs e, f, and g, Code 1989, are amended to  
 6 read as follows:

7 e. Not more than ~~fifty~~ one hundred thousand  
 8 dollars or twenty percent of the annual appropriation,  
 9 whichever is more, shall be granted to recipients  
 10 within any single county in any given grant cycle.

11 f. Not more than ~~twenty-five~~ one hundred thousand  
 12 dollars or ten percent of the annual appropriation,  
 13 whichever is more, may be granted or loaned to any  
 14 single recipient within a single fiscal year."

15 2. Page 5, by inserting after line 14 the  
 16 following:

17 "Sec. \_\_\_\_\_. Section 303.16, subsection 8, paragraph  
 18 a, Code 1989, is amended to read as follows:

19 a. The department may establish a historical  
 20 resource revolving loan fund composed of any money  
 21 appropriated by the general assembly for that purpose,  
 22 and of any other moneys available to and obtained or  
 23 accepted by the department from the federal government  
 24 or private sources for placement in that fund. Each  
 25 loan made under this section shall be for a period not  
 26 to exceed ten years, shall bear interest at a rate  
 27 determined by the state historical board, and shall be  
 28 repayable to the revolving loan fund in equal yearly  
 29 installments due March 1 of each year the loan is in  
 30 effect. The interest rate upon loans for which  
 31 payment is delinquent shall accelerate immediately to  
 32 the current legal usury limit. Applicants ~~shall be~~  
 33 are eligible for no not more than twenty-five one  
 34 hundred thousand dollars in loans outstanding at any  
 35 time under this program."

Amendment H—3241 was adopted.

Beatty of Warren offered the following amendment H—3263 filed  
 by her and moved its adoption:

H—3263

1 Amend House File 367 as follows:

2 1. Page 1, by striking lines 11 through 14 and  
 3 inserting the following: "of whom shall be  
 4 professional historians or archaeologists on the  
 5 faculty of a college or university in the state in  
 6 disciplines related to the activities of the  
 7 historical society."

Amendment H—3263 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. 367)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Halvorson, R. N.	Haverland	Hermann	Hibbard
Holveck	Koenigs	Tabor	

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

**House File 315**, a bill for an act prohibiting residency requirements for appointive county officers or employees, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—3176 filed by the committee on local government and moved its adoption:

H—3176

- 1 Amend House File 315 as follows:  
 2 1. Page 1, line 6, by inserting after the word  
 3 "residence." the following: "However, if a county  
 4 officer or employee is not a resident of this state at  
 5 the time of appointment or employment, the officer or  
 6 employee shall become a resident as soon as  
 7 practicable and remain a resident during the  
 8 employment."

The committee amendment H—3176 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. 315)

The ayes were, 79:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Jay
Jesse	Jochum	Johnson	Kremer
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spenner
Svoboda	Swartz	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 13:

Bennett	De Groot	Kistler	Lageschulte
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Spear	Stromer	Stueland
Van Maanen			

Absent or not voting, 8:

Black	Halvorson, R. N.	Hermann	Hibbard
Holveck	Knapp	Koenigs	Tabor

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

**House File 372**, a bill for an act relating to the duties of the natural resource commission and the environmental protection commission with respect to budget approval requirements, 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. 372)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Halvorson, R. N.	Hermann	Hibbard	Holveck
Koenigs	Shoultz	Tabor	

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

Haverland of Polk in the chair at 9:47 a.m.

**House File 371**, a bill for an act relating to emergency medical care providers, and providing penalties, 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. 371)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Hermann	Holveck	Koenigs	Metcalf
Neuhauser	Tabor		

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

**House File 201**, a bill for an act relating to the regulation of lotteries, lottery tickets, and other games of chance, or contest, by amending provisions relating to advertising, with report of committee recommending amendment and passage was taken up for consideration.

Connolly of Dubuque offered the following amendment H—3163 filed by the committee on economic development and moved its adoption:

H—3163

- 1 Amend House File 201 as follows:
- 2 1. Page 1, line 21, by striking the word
- 3 "context" and inserting the following: "contest".

The committee amendment H—3163 was adopted, placing out of order amendment H—3151, filed by Spear of Lee on February 14, 1989.

Spear of Lee asked and received unanimous consent to defer action on amendment H—3149.

Connolly of Dubuque offered the following amendment H—3175 filed by him and moved its adoption:

H—3175

- 1 Amend House File 201, as follows:
- 2 1. Page 1, by striking lines 16 through 21 and
- 3 inserting the following: "laws of another
- 4 jurisdiction. This section also does not prohibit the
- 5 advertising of a lottery, game of chance, contest, or
- 6 activity conducted by a not-for-profit organization
- 7 that would qualify as tax exempt under section 501 of
- 8 the Internal Revenue Code, as defined in section
- 9 422.3, or conducted as a promotional activity by a
- 10 commercial organization which is clearly occasional
- 11 and ancillary to the primary business of that
- 12 organization."

Amendment H—3175 was adopted, placing out of order amendment H—3149 (previously deferred) filed by Spear of Lee on February 14, 1989, and the committee amendment H—3163, previously adopted.

Groninga of Cerro Gordo offered the following amendment H—3170 filed by him and moved its adoption:

H—3170

- 1 Amend House File 201, as follows:
- 2 1. Page 1, by inserting after line 21, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. This Act takes effect May 1, 1990."
- 5 2. Title page, line 3, by inserting after the
- 6 word "advertising" the following: ", and providing an
- 7 effective date".

Amendment H—3170 was adopted.

Speaker Avenson in the chair at 10:00 a.m.

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?" (H.F. 201)

The ayes were, 86:

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

The nays were, 5:

Clark	Doderer	Nielsen	Osterberg
Pellett			

Absent or not voting, 9:

Halvorson, R. A.	Hatch	Hermann	Holveck
Jesse	Koenigs	Sherzan	Shoultz
Tabor			

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

**House File 403**, a bill for an act relating to child support awards by establishing an advisory committee and requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date, was taken up for consideration.

The following amendment H-3268 filed by Teaford of Black Hawk from the floor was adopted by unanimous consent:

H-3268

1 Amend House File 403 as follows:

- 2 1. Title page, by striking lines 1 and 2 and
- 3 inserting the following: "An Act relating to child
- 4 support awards by requiring the application of
- 5 uniform".

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. 403)

The ayes were, 91:

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

The nays were, none.

Absent or not voting, 9:

Halvorson, R. A.	Hatch	Hermann	Holveck
Jesse	Koenigs	Sherzan	Shoultz
Tabor			

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

**House File 347**, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 347)

The ayes were, 92:

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

The nays were, none.

Absent or not voting, 8:

Halvorson, R. A.	Hatch	Hermann	Holveck
Jesse	Koenigs	Sherzan	Shoultz

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

**House File 79**, a bill for an act relating to the office of governor by providing that procedures which apply to the disability of the governor also apply to the disability of a person acting as governor, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 79)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Halvorson, R. A.	Hatch	Hermann	Holveck
Koenigs	Sherzan	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 10:22 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:

Renaud of Polk on request of Pavich of Pottawattamie; Mertz of Kossuth on request of Kistler of Jefferson, both for the remainder of the day.

CONSIDERATION OF BILLS  
Regular Calendar

**Senate File 105**, a bill for an act relating to assisting the department of human services in dependent adult abuse investigations, with report of committee recommending amendment and passage was taken up for consideration.

Brown of Lucas offered the following amendment H—3177 filed by the committee on human resources:

H—3177

1 Amend Senate File 105, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 232.68, subsection 4, Code  
6 1989, is amended to read as follows:

7 4. "Health practitioner" includes a licensed  
8 physician and surgeon, osteopath, osteopathic  
9 physician and surgeon, dentist, optometrist,  
10 podiatrist or chiropractor; a resident or intern in  
11 any of such professions; a licensed dental hygienist;  
12 and any a registered nurse or licensed practical  
13 nurse.

14 Sec. 2. Section 235B.1, subsection 7, paragraph a,  
15 unnumbered paragraph 3, Code 1989, is amended to read  
16 as follows:

17 Any other person, including but not limited to a  
18 volunteer, who believes that a dependent adult has  
19 suffered abuse may report the suspected abuse to the  
20 department of human services."

21 2. Title page, by striking lines 1 and 2 and  
22 inserting the following: "An Act relating to the  
23 reporting of abuse of children and dependent adults."

24 3. By renumbering as necessary.

Corbett of Linn offered the following amendment H—3233, to the committee amendment H—3177, filed by him:

H—3233

1 Amend amendment, H—3177, to Senate File 105 as  
2 passed by the Senate as follows:

3 1. Page 1, by inserting after line 20 the  
4 following:

5 "\_\_\_\_\_. Page 1, by inserting after line 17 the  
6 following:

7 "Sec. 4. Section 726.6, Code 1989, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 4. A person who commits child

10 endangerment resulting in the death of a child or  
11 minor is guilty of a class "A" felony." "

12 2. Page 1, line 23, by striking the words  
13 "reporting of".

14 3. Page 1, line 23, by inserting after the word  
15 "adults" the following: "by amending certain  
16 reporting provisions and providing a penalty".

17 4. By renumbering as necessary.

Brown of Lucas rose on a point of order that amendment H—3233 was not germane, to the committee amendment H—3177.

The Speaker ruled the point well taken and amendment H—3233 not germane.

On motion by Brown of Lucas, the committee amendment H—3177 was adopted.

Tyrrell of Iowa offered the following amendment H—3182 filed by him:

H—3182

1 Amend Senate File 105, as passed by the Senate, as  
2 follows:

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

5 "Section 1. Section 232.2, subsection 6,  
6 paragraphs b, c, and h, Code 1989, are amended to read  
7 as follows:

8 b. Whose parent, guardian or, other custodian, or  
9 other member of the household in which the child  
10 resides has physically abused or neglected the child,  
11 or is imminently likely to abuse or neglect the child.

12 c. Who has suffered or is imminently likely to  
13 suffer harmful effects as a result of either of the  
14 following:

15 (1) Conditions created by the child's parent,  
16 guardian, custodian; or.

17 (2) The failure of the child's parent, guardian,  
18 or custodian, or other member of the household in  
19 which the child resides to exercise a reasonable  
20 degree of care in supervising the child.

21 h. Who has committed a delinquent act as a result  
22 of pressure, guidance, or approval from a parent,  
23 guardian, or custodian, or other member of the  
24 household in which the child resides."

25 2. Title page, line 1, by inserting after the  
26 word "to" the following: "an adult or a child by".

27 3. Title page, line 2, by inserting after the  
28 word "investigations" the following: "and by  
29 modifying the definition of a child in need of  
30 assistance".

Brown of Lucas rose on a point of order that amendment H—3182 was not germane.

The Speaker ruled the point well taken and amendment H—3182 not germane.

Brown 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?" (S.F. 105)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Renken	Rosenberg
Royer	Schnekloth	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Fey	Hester	Koenigs	Mertz
Plasier	Poncy	Renaud	Schrader
Sherzan			

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 446**, by Brammer, a bill for an act relating to health and disability insurance and other third-party payor health and disability benefit providers, by prohibiting discrimination on the basis of

sex or marital status in the issuance or operation of a policy, contract, or plan including the establishment of premium rates or other charges, and by making such discrimination an unfair and discriminatory practice under the jurisdiction of the civil rights commission.

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

**House File 447**, by committee on ways and means, a bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates.

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

#### PRESENTATION OF VISITORS

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

Six high school students from Oelwein High School, Oelwein, accompanied by Steve Sanders. By Avenson of Fayette.

Twenty-seven third grade students from United Community School, Boone, accompanied by Andee Duffy. By Garman of Story.

Forty business professional students from Dubuque high schools, Dubuque. By Jochum of Dubuque and Connolly of Dubuque.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 302 State Government**

Relating to credit card receipt processing for state departments.

##### **H.S.B. 303 Small Business and Commerce**

Amending the definition of a financial institution for franchise tax purposes and providing an applicability date.

**H.S.B. 304 Human Resources**

Relating to misleading, deceptive, untrue, or fraudulent statements in advertising by licensed physicians with respect to field or specialty of practice, providing for review by the board of medical examiners, authorizing injunctive relief, and providing properly related matters.

**H.S.B. 305 Human Resources**

Relating to the administrative responsibility for the central registry for brain injuries.

**H.S.B. 306 Energy and Environmental Protection**

Requiring electric utilities to have in effect a comprehensive energy management program before new or changed rates, charges, schedules, and regulations may be approved by the utilities board.

**H.S.B. 307 Human Resources**

Requiring the department of inspections and appeals to develop a special classification of residential care facilities.

## SUBCOMMITTEE ASSIGNMENTS

**House File 206**

Ways and Means: Connolly, Chair; Fey and Metcalf.

**House File 374**

Ways and Means: Fey, Chair; Daggett and Teaford.

**House File 388**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

**House File 389**

Judiciary and Law Enforcement: Jay, Chair; Renaud and Siegrist.

**House File 390**

Ways and Means: Tabor, Chair; Doderer, Metcalf, Osterberg and Schnekloth.

**House File 393**

Ways and Means: Tabor, Chair; Doderer, Metcalf, Osterberg and Schnekloth.

**House File 397**

Small Business and Commerce: Chapman, Chair; Sherzan and Trent.

**House File 405**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**House File 411**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 412**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 416**

Ways and Means: Groninga, Chair; Holveck and Renken.

**House File 417**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 428**

Small Business and Commerce: Sherzan, Chair; Blanshan and Halvorson of Clayton.

**House File 437**

Small Business and Commerce: Doderer, Chair; Jesse and Kremer.

**House File 442**

Small Business and Commerce: Jesse, Chair; Hibbard and Kremer.

**Senate File 130**

Small Business and Commerce: Hansen of Woodbury, Chair; Jesse and Schnekloth.

**Senate File 148**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 154**

Ways and Means: Rosenberg, Chair; Brand, Daggett, De Groot and May.

**Senate File 185**

Ways and Means: Teaford, Chair; Connolly and De Groot.

**Senate File 186**

Ways and Means: Tabor, Chair; Schnekloth and Teaford.

**Senate File 201**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton, Hansen of Woodbury, Harbor and Rosenberg.

**Senate File 202**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**Senate File 203**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 216**

Judiciary and Law Enforcement: Hibbard, Chair; Plasier and Shoning.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 249**

Small Business and Commerce: Jesse, Chair; Blanshan and Halvorson of Clayton.

**House Study Bill 294**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**House Study Bill 298**

Agriculture: Banks, Chair; Branstad 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 LABOR AND INDUSTRIAL RELATIONS

**House File 121**, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3265** February 28, 1989.

**House File 156**, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3264** February 28, 1989.

**Committee Bill** (Formerly House Study Bill 250), relating to the coverage of real estate agents under the workers' compensation law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1989.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 170**, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1989.

**Committee Bill** (Formerly House Study Bill 205), relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing properly related matters, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 28, 1989.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 291), relating to driver education requirements by requiring public school districts to allow certain fourteen-year-olds to attend driver education courses and by requiring successful completion of an approved driver education course before a person may be issued a school license.

Fiscal Note is required.

Recommended **Do Pass** February 28, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 1), relating to underground storage tanks, by creating a state fund and administrative body for the fund, establishing certain fees, authorizing revenue bond issues, creating a capital investment tax credit for certain purposes, authorizing certain back-up funding mechanisms including sales and use taxes only if necessary to assure timely payment of revenue bond obligations, providing penalties, providing certain future automatic repeal dates, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 1, 1989.

#### AMENDMENTS FILED

H—3264	H.F.	156	Committee on Labor and Industrial Relations
H—3265	H.F.	121	Committee on Labor and Industrial Relations
H—3266	H.F.	156	Ollie of Clinton
H—3267	H.F.	199	Senate Amendment
H—3270	H.F.	398	Doderer of Johnson
			Metcalf of Polk
			Hibbard of Madison
			Shoultz of Black Hawk
			Jesse of Jasper
H—3271	S.F.	155	Brammer of Linn
H—3272	S.F.	150	Garman of Story
H—3273	H.F.	269	Blanshan of Greene
			Johnson of Winneshiek
H—3274	H.F.	269	Siegrist of Pottawattamie

On motion by Arnould of Scott, the House adjourned at 4:39 p.m., until 9:00 a.m., Thursday, March 2, 1989.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 2, 1989

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 Wednesday, March 1, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Hermann of Scott, from three thousand citizens opposing river-boat gambling.

## INTRODUCTION OF BILL

**House File 448**, by committee on labor and industrial relations, a bill for an act relating to the coverage of real estate agents under the workers' compensation law.

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

## SENATE MESSAGES CONSIDERED

**Senate File 14**, by Sturgeon, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

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

**Senate File 82**, by Hultman, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard.

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

**Senate File 117**, by committee on human resources, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare.

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

**Senate File 131**, by Hutchins, a bill for an act relating to the purchase by the state and its political subdivisions of products made by handicapped Iowans.

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

**Senate File 167**, by Gronstal, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax.

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

**Senate File 174**, by committee on agriculture, 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, and providing for the retroactive applicability of the Act and an effective date.

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

**Senate File 182**, by committee on judiciary, a bill for an act relating to the commencement in the district court of certain civil rights actions involving administrative closures.

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

**Senate File 213**, by Fraise, a bill for an act exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting, or selling these items and providing effective and retroactive effective dates.

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

**Senate File 215**, by Doyle, a bill for an act relating to the sales and use tax and providing an exemption from tax for certain irrigation equipment.

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 28, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 9, a bill for an act relating to the imposition of judgment, upon which execution will lie, against a criminal offender on probation who fails to comply with a court-ordered plan of restitution.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 52, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 79, a bill for an act relating to the certificate of need program.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 223, a bill for an act relating to early childhood programs.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 224, a bill for an act relating to student exercise of free expression in the public schools.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 253, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 254, a bill for an act relating to the appointment of an interpreter for a hearing impaired person and providing a penalty.

Also: That the Senate has on February 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

JOHN F. DWYER, Secretary

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux on request of Hester of Pottawattamie.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 402**, a bill for an act relating to foster care by establishing certain provisions regarding voluntary foster care placements, was taken up for consideration.

Nielsen 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. 402)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Bennett	Bisignano	Halvorson, R. A.	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.

On motion by Arnould of Scott, the House was recessed at 10:34 a.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bennett of Ida, for the remainder of the day, on request of Schnekloth of Scott; Pavich of Pottawattamie, until his return, on request of Harbor of Mills.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 345**, a bill for an act to provide for county participation in medical assistance payments for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility, 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. 345)

The ayes were, 70:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Hermann	Holveck	Jay	Jesse
Johnson	Knapp	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauer	Nielsen
Ollie	Osterberg	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 18:

Banks	De Groot	Fogarty	Fuller
Garman	Harbor	Hester	Kistler
Kremer	Lageschulte	Maulsby	Miller
Pellett	Royer	Schnekloth	Spenner
Swartz	Van Maanen		

Absent or not voting, 12:

Beaman	Bennett	Connolly	Haverland
Hibbard	Jochum	Koenigs	Pavich
Petersen, D. F.	Plasier	Renken	Tyrrell

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

### SPECIAL PRESENTATION

Connors of Polk presented to the House the following members from the Stavropol Delegation, USSR: Victor Shaginov, Eugene Pismenny, Victor Beketov, Vasily Parshin, Pavel Zveryaev, Yuri Kocherov, Ivan Mastepanenko, Igor Marmylev and Boris Chernovolenko.

The delegation was accompanied by their interpreter, Valentin Mezin.

Eugene Pismenny, First Vice Chair of the Stavropol Region, addressed the House briefly.

The House rose and expressed its welcome.

**House File 375**, a bill for an act relating to the Iowa conservation corps program, 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?" (H.F. 375)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poney	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor

Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Bennett	Groninga	Hibbard	Koenigs
Pavich	Plasier		

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 restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons, and providing an effective date, was taken up for consideration.

Carpenter 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. 399)

The ayes were, 93:

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

The nays were, none.

Absent or not voting, 7:

Bennett	Hibbard	Koenigs	Mertz
Pavich	Plasier	Shoultz	

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

**House File 269**, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents, with report of committee recommending amendment and passage was taken up for consideration.

Adams of Hamilton offered the following amendment H—3172 filed by the committee on education:

H—3172

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 16, by striking the words
- 3 "However, for" and inserting the following: "For".
- 4 2. Page 1, line 18, by inserting after the word
- 5 "undergraduate" the following: "resident".

The House stood at ease at 3:16 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3172 to House File 269 at 3:41 p.m., Speaker Avenson in the chair.

On motion by Adams of Hamilton, the committee amendment H—3172 was adopted.

Siegrist of Pottawattamie offered the following amendment H—3274 filed by him and moved its adoption:

H—3274

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 17, by inserting after the figure
- 3 "30," the following: "1991, there shall be no
- 4 increase in tuition and related fees. For the period
- 5 beginning July 1, 1991, and ending June 30,".

Amendment H—3274 was adopted.

Daggett of Adams offered the following amendment H—3188 filed by him and moved its adoption:

H—3188

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 17, by striking the words
- 3 "percent of increase for" and inserting the following:

- 4 "amount of revenue collected for tuition charges at
- 5 each regents' university shall not be greater than an
- 6 amount which equals thirty percent of that
- 7 university's institutional budget."

8 2. Page 1, by striking lines 18 through 24.

Amendment H—3188 lost.

Corbett of Linn offered the following amendment H—3186 filed by him and moved its adoption:

H—3186

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 18, by striking the word
- 3 "undergraduate" and inserting the following:
- 4 "resident and nonresident".

Amendment H—3186 lost.

Daggett of Adams offered the following amendment H—3189 filed by him and moved its adoption:

H—3189

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 18, by striking the words "and
- 3 related fees".

Amendment H—3189 lost.

Corbett of Linn offered the following amendment H—3187 filed by him and moved its adoption:

H—3187

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "than" the following: "one hundred twenty percent
- 4 of".

Amendment H—3187 lost.

Miller of Cherokee offered the following amendment H—3190 filed by him and moved its adoption:

H—3190

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "made." the following: "Nothing in this subsection
- 4 shall limit the power of the board to establish
- 5 tuition, fees, or charges at an institution at a level
- 6 necessary to meet the board's obligations with respect
- 7 to the payment of principal or interest on bonds
- 8 issued under chapter 262A."

Amendment H—3190 lost.

Blanshan of Greene offered the following amendment H—3273 filed by him and Johnson of Winneshiek:

H—3273

- 1 Amend House File 269 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "made" the following: "unless the increase in
- 4 undergraduate resident tuition and related fees is
- 5 attributable to increased financial assistance to low-
- 6 income resident students with a demonstrated financial
- 7 need".

Blanshan of Greene offered the following amendment H—3286, to amendment H—3273, filed by him from the floor and moved its adoption:

H—3286

- 1 Amend amendment, H—3273, to House File 269 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word
- 4 "attributable" and inserting the following:
- 5 "applied".

Amendment H—3286 was adopted.

Blanshan of Greene moved the adoption of amendment H—3273, as amended.

Roll call was requested by Stromer of Hancock and Hammond of Story.

On the question "Shall amendment H—3273, as amended, be adopted?" (H.F. 269)

The ayes were, 59:

Beaman	Beatty	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Clark	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hibbard	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Osterberg
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Royer
Schneklath	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Tabor
Trent	Tyrrell	Van Maanen	

The nays were, 38:

Adams	Arnould	Banks	Brammer
Brand	Brown	Chapman	Cohoon
Doderer	Dvorsky	Fey	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Holveck
Jesse	Jochum	Kistler	Lykam
Mertz	Neuhauser	Nielsen	Ollie
Pavich	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Swartz	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 3:

Bennett	Plasier	Svoboda
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Amendment H—3273, as amended, was adopted.

Stromer of Hancock offered the following amendment H—3191 filed by him and moved its adoption:

H—3191

- 1 Amend House File 269 as follows:
- 2 1. Page 1, by striking lines 20 through 24 and
- 3 inserting the following: "percent of increase in
- 4 salary amounts for faculty and staff provided for in
- 5 the faculty and staff bargaining agreement."

Amendment H—3191 lost.

Corbett of Linn offered the following amendment H—3194 filed by him and moved its adoption:

H—3194

- 1 Amend House File 269 as follows:
- 2 1. Page 1, by striking lines 20 through 24 and
- 3 inserting the following: "percent of increase in the
- 4 Iowa higher education price index published by the
- 5 board of regents, calculated on an annualized basis,
- 6 for the latest available twelve-month period preceding
- 7 the month in which the final decision of the board is
- 8 made.
- 9 Sec. 2. IOWA HIGHER EDUCATION PRICE INDEX. The
- 10 board of regents shall develop a higher education
- 11 price index for the higher education institutions
- 12 under its control to measure changes in the recurring
- 13 costs of higher education in Iowa. The costs shall
- 14 include, but are not limited to, salaries and fringe
- 15 benefits for professional and nonprofessional
- 16 personnel, contracted services, supplies and
- 17 materials, equipment, books, periodicals, and

18 utilities. The index shall be developed and available  
 19 for the calculation of tuition, fees, and charges by  
 20 July 1, 1990."

Amendment H—3194 was adopted, placing out of order amendments H—3273 and H—3286, previously adopted, found on page 636 of the House Journal.

Maulsby of Calhoun offered the following amendment H—3193 filed by him and moved its adoption:

H—3193

1 Amend House File 269 as follows:  
 2 1. Page 1, by striking lines 16 through 24 and  
 3 inserting the following: "Thanksgiving vacation. The  
 4 general assembly may make recommendations to the board  
 5 relating to any proposals for increase in tuition,  
 6 fees, or charges at any of the institutions of higher  
 7 education for each fiscal year. The board may  
 8 consider but is not bound by the recommendations of  
 9 the general assembly in formulating the level for  
 10 tuition, fees, or charges."

Amendment H—3193 lost.

The House stood at ease at 5:24 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 269 at 5:56 p.m., Speaker Avenson in the chair.

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. 269)

The ayes were, 62:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer

Svoboda	Swartz	Teaford	Trent
Wise	Mr. Speaker Avenson		

The nays were, 32:

Banks	Beaman	Beatty	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Holveck	Kistler	Kremer	Lageschulte
Maulsby	Metcalf	Pellett	Petersen, D. F.
Poncy	Renken	Royer	Schnekloth
Spenner	Stueland	Tabor	Van Maanen

Absent or not voting, 6:

Bennett	Hammond	Hermann	Miller
Plasier	Tyrrell		

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 449**, by committee on natural resources and outdoor recreation, a bill for an act providing property tax exemptions for lands dedicated as preserves.

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

**House File 450**, by committee on agriculture, a bill for an act eliminating refunds from excise taxes on egg sales.

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

**House File 451**, by committee on state government, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 52**, by Corning, Lind, Tinsman, Mann, Lloyd-Jones, Deluhrey, Gentleman, Riordan, Hannon, Bruner, Szymoniak and Varn, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

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

**Senate File 79**, by Sturgeon, a bill for an act relating to the certificate of need program.

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

**Senate File 223**, by committee on education, a bill for an act relating to early childhood programs.

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

**Senate File 224**, by committee on education, a bill for an act relating to student exercise of free expression in the public schools.

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

**Senate File 253**, by committee on judiciary, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

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

**Senate File 254**, by committee on judiciary, a bill for an act relating to the appointment of an interpreter for a hearing impaired person and providing a penalty.

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

**Senate File 260**, by committee on environment and energy utilities, a bill for an act eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

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

#### MOTIONS TO RECONSIDER

(House File 345)

I move to reconsider the vote by which House File 345 passed the House on March 2, 1989.

DAGGETT of Adams

(House File 347)

I move to reconsider the vote by which House File 347 passed the House on March 1, 1989.

KNAPP of Dubuque

(House File 269)

I move to reconsider the vote by which House File 269 passed the House on March 2, 1989.

ADAMS of Hamilton

(House File 269)

I move to reconsider the vote by which House File 269 passed the House on March 2, 1989.

STROMER of Hancock

(House File 269)

I move to reconsider the vote by which House File 269 passed the House on March 2, 1989.

DODERER of Johnson

#### PRESENTATION OF VISITORS

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

Thirty-two sixth grade students from Lenox Elementary School, Lenox, accompanied by Janet Reed and David Koets. By Daggett of Adams.

Thirty Junior students from Leo High School, Holy Cross, accompanied by John Kohlstedt. By Knapp of Dubuque.

#### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

A report on planned expenditures to be made of the monies in the surplus account, pursuant to Chapter 99E.33, Code of Iowa.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 308 Local Government**

Relating to persons or copartnerships required to file statements

regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state.

**H.S.B. 309 Local Government**

Enacting the quad cities interstate metropolitan authority compact.

**H.S.B. 310 Human Resources**

Relating to the establishment of a mental health, mental illness, mental retardation, and developmental disabilities commission.

SUBCOMMITTEE ASSIGNMENTS

**House File 27 (Reassigned)**

Small Business and Commerce: Shoultz, Chair; Blanshan and Garman.

**House File 54**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 414**

Local Government: Connors, Chair; Brown and McKean.

**House File 420**

Local Government: Bisignano, Chair; Fuller and Hester.

**House File 425**

Education: Shoultz, Chair; Maulsby and Tabor.

**House File 429**

Appropriations: Jochum, Chair; Buhr and Harbor.

**House File 430**

Local Government: Peters, Chair; Brown and Diemer.

**House File 431**

Local Government: Connors, Chair; Brown and McKean.

**House File 443**

State Government: Blanshan, Chair; Peterson of Carroll and Renken.

**House File 445**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 446**

Small Business and Commerce: Bisignano, Chair; Brammer, Doderer, Renken and Shoning.

**Senate File 14**

State Government: Knapp, Chair; Beatty, Poncy, Tyrrell and Van Maanen.

**Senate File 131**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**Senate File 225**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**Senate File 229**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**Senate File 289**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton and Knapp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 263**

Local Government: Shearer, Chair; Black and Renken.

**House Study Bill 290**

Local Government: Eddie, Chair; Mertz and Spear.

**House Study Bill 291**

Local Government: Shearer, Chair; Banks and Muhlbauer.

**House Study Bill 302**

State Government: Peterson of Carroll, Chair; Pavich and Shoning.

**House Study Bill 306**

Energy and Environmental Protection: Dvorsky, Chair; Adams, Lundby, May and Trent.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

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

**COMMITTEE ON APPROPRIATIONS**

**Senate File 123**, a bill for an act deappropriating and reappropriating moneys for the planning or construction of juvenile facilities and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 71**, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**House File 250**, a bill for an act relating to violations of an individual's civil rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3275** March 1, 1989.

**Senate File 128**, a bill for an act relating to the collection and compilation of information regarding juvenile court activities.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**Senate File 202**, a bill for an act relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**Committee Bill** (Formerly House Study Bill 239), relating to the administration of an estate and changing certain notice provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 313**, a bill for an act relating to the common boundary for a voluntary annexation.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**House File 383**, a bill for an act relating to the real property eligible to be sold for taxes at the scavenger sale.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**House File 404**, a bill for an act relating to the effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**Senate File 158**, a bill for an act relating to demolition insurance reserves for property in cities.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

**Senate File 159**, a bill for an act relating to the sale or contracting for goods and services between a civil service commissioner and a city.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 15), providing property tax exemptions for lands dedicated as preserves.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1989.

#### AMENDMENTS FILED

H-3275	H.F.	250	Committee on Judiciary and Law Enforcement
H-3276	S.F.	119	Van Maanen of Mahaska
H-3277	S.F.	122	Corbett of Linn
H-3278	H.F.	432	Hammond of Story
H-3279	H.F.	433	Koenigs of Mitchell
H-3280	H.F.	433	Connolly of Dubuque
			Renaud of Polk
			Spenner of Henry
			Royer of Page
			Harbor of Mills
			Pavich of Pottawattamie
H-3281	H.F.	435	Koenigs of Mitchell
H-3282	H.F.	435	Koenigs of Mitchell
H-3284	S.F.	122	Corbett of Linn
			Hermann of Scott
			Banks of Plymouth
			Garman of Story
H-3285	H.F.	447	De Groot of Lyon
H-3287	H.F.	2	Spear of Lee

H-3288	H.F.	447	Doderer of Johnson
H-3289	H.F.	97	Dvorsky of Johnson
			Trent of Muscatine

On motion by Arnould of Scott, the House adjourned at 6:10 p.m., until 10:00 a.m., Monday, March 6, 1989.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 6, 1989

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

Prayer was offered by Reverend Garry Schneider, pastor of the Grace Baptist Church, Corning.

The Journal of Thursday, March 2, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Gruhn of Dickinson, from one hundred eleven constituents favoring crossbow hunting for physically handicapped persons.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Spenner of Henry on request of Eddie of Buena Vista; Hammond of Story on request of Harper of Black Hawk, until their arrival.

## INTRODUCTION OF BILLS

**House Joint Resolution 12**, by Doderer, Arnould, Avenson, Tabor, Bennett, Shoultz, Petersen of Muscatine, Shearer, Muhlbauer, Pellett, Gruhn, Miller, Hermann, Fogarty, McKean, Holveck, Cohoon, Kistler, Eddie, Branstad, Pavich, Osterberg, Poncy, Metcalf, Chapman, Renaud, Schrader, Connolly, Buhr, Groninga, Brand, Fey, Siegrist, Jochum, Clark, Rosenberg, Ollie, Koenigs, Lageschulte, Adams, Mertz, Trent, Shoning, Hammond, Haverland, Corbett, Halvorson of Clayton, Hanson of Delaware, Peters, Hester, Harbor, Teaford, Blanshan, Harper, Sherzan, Lundby, Carpenter, Swartz, Wise, Dvorsky, Connors, Halvorson of Webster, Jay, May, Nielsen, Fuller, McKinney, Johnson, Bisignano, Brammer, Stueland, Maulsby, Neuhauser, Beatty, Hibbard, Hatch, Knapp, Spear, Black, Lykam, Jesse, Brown, Schneklath, Kremer, Diemer, Peterson of Carroll and Hansen of Woodbury, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

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

**House File 452**, by Beaman, Pavich, Koenigs, Shoning, Metcalf, Muhlbauer, Connors, Lageschulte, Trent, Clark, Hermann, Svoboda, Tyrrell, Poncy, Fogarty, Hibbard, Garman, Daggett, Hansen of Woodbury, Branstad and Mertz, a bill for an act prohibiting the manufacture, delivery, possession with intent to manufacture or deliver, or possession of a controlled substance, a counterfeit substance, or a simulated controlled substance, and providing penalties.

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

**House File 453**, by Clark, a bill for an act relating to the dissemination of criminal history data concerning a deceased individual to that individual's relatives.

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

**House File 454**, by Tyrrell, a bill for an act requiring parties to an action for dissolution of marriage to undergo counseling prior to the issuance of a dissolution decree.

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

**House File 455**, by Daggett, Shoning and Beaman, a bill for an act relating to credit for service under the Iowa public employees' retirement system for certain members who withdrew contributions.

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

**House File 456**, by Hatch, a bill for an act creating the Iowa reinvestment Act, by providing for local investments by financial institutions, requiring disclosure of reinvestments, reinvestment rating, and financial institution participation in certain state programs, and authorizing penalties, including the revocation of a financial institution's authorization or approval to do business.

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

**House File 457**, by Shoultz, Teafor, Harper, Diemer and Swartz, a bill for an act relating to the establishment of real estate education programs and making an appropriation.

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

**House File 458**, by Schrader, a bill for an act relating to the liability of an insurance carrier as a result of engaging in an unfair insurance business practice, with penalties applicable.

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

**House File 459**, by Peterson of Carroll, a bill for an act relating to the disposition of seizable and forfeitable property, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date.

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

**House File 460**, by Mertz, a bill for an act relating to tort liability regarding an emergency response system.

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

**House File 461**, by Lykam, a bill for an act regulating the parking of motor vehicles on snow routes, and providing a penalty.

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

**House File 462**, by Metcalf, a bill for an act permitting the use of telecommunications by school districts for the teaching of foreign language.

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

**House File 463**, by Schrader, a bill for an act relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

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

**House File 464**, by Daggett, a bill for an act relating to certain sales, services, and use tax refunds.

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

**House File 465**, by Bisignano, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities, or, by agreement, within cities for certain public improvements, to assess the cost of the

improvements to the benefited property within the districts, to issue special assessment bonds for the improvements, to establish and collect rates and charges to maintain and operate the improvements, and to enter into joint agreements with cities and other counties for these purposes, and by providing an effective date.

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

**House File 466**, by Maulsby, a bill for an act relating to fishing license reciprocity.

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

**House File 467**, by Mertz, a bill for an act relating to seizure and forfeiture of certain property.

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

**House File 468**, by Brammer, a bill for an act relating to the advertisement and sale of wood building materials, and making penalties applicable.

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

**House File 469**, by Halvorson of Clayton and Harbor, a bill for an act relating to indexing for inflation for state individual and corporate income tax purposes and providing an applicability date.

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

**House File 470**, by Halvorson of Clayton and Harbor, a bill for an act relating to the abolishment of joint and several liability and providing an applicability provision.

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

**House File 471**, by Daggett, a bill for an act relating to the alternative minimum tax.

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

**House File 472**, 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 placed on the **calendar**.

**House File 473**, by committee on transportation, a bill for an act relating to the cancellation of operator's licenses during their first year of issuance.

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

**House File 474**, by Peterson of Carroll, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings.

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 1, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 6, a concurrent resolution designating March 1989 as Iowa Women's History Month.

Also: That the Senate has on March 1, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 7, a concurrent resolution urging the national economic commission to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal budget deficit.

JOHN F. DWYER, Secretary

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and that the daily debate calendar for Friday, March 3 be the daily debate calendar for Monday, March 6, 1989.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Arnould of Scott called up for consideration House Concurrent Resolution 3 as follows and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 3
- 2 By Arnould and Stromer
- 3 A House Concurrent Resolution relating to Pioneer
- 4 Lawmakers.
- 5 *Whereas*, the Seventy-third General Assembly is
- 6 advised of a meeting of the Pioneer Lawmakers
- 7 Association to be held on Wednesday April 19, 1989;

8 and

9 *Whereas*, the Pioneer Lawmakers request the  
10 opportunity to meet formally with the General  
11 Assembly, *Now Therefore*,

12 *Be It Resolved by the House of Representatives, the*  
13 *Senate Concurring*, That the General Assembly meet in  
14 joint session in the House chamber on Wednesday, April  
15 19, 1989, at 1:30 p.m. and that the Pioneer Lawmakers  
16 be invited to attend and present a program on that  
17 occasion, and that the Speaker of the House of  
18 Representatives and the President of the Senate be  
19 designated to deliver the invitation to them.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

Fuller of Hardin called up for consideration House Concurrent Resolution 4 as follows and moved its adoption:

1 HOUSE CONCURRENT RESOLUTION 4

2 By Fuller

3 A House Concurrent Resolution relating to a  
4 biennial memorial session.

5 *Whereas*, it has been the custom to hold a biennial  
6 memorial session in recognition of the public service  
7 of departed members of the General Assembly; and

8 *Whereas*, both Houses desire to participate in such  
9 an observance; *Now Therefore*,

10 *Be It Resolved by the House of Representatives, the*  
11 *Senate Concurring*, That an evening session of the  
12 Seventy-third General Assembly be held in the House  
13 chamber Wednesday evening, April 19, 1989, at 7:30  
14 p.m.

15 *Be It Further Resolved*, that a joint committee of  
16 eight members be appointed, four from the Senate to be  
17 appointed by the President of the Senate, and four  
18 from the House to be appointed by the Speaker of the  
19 House, to make suitable arrangements for a joint  
20 memorial session.

The motion prevailed and the resolution was adopted.

#### CONSIDERATION OF BILL Ways and Means Calendar

**House File 447**, a bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge,

increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates, was taken up for consideration.

De Groot of Lyon offered the following amendment H — 3285 filed by him and moved its adoption:

H — 3285

1 Amend House File 447 as follows:

2 1. Page 26, by inserting before line 31, the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 455B.490 USED STORAGE  
5 TANK DISPOSAL.

6 The waste management authority shall designate one  
7 facility within the state for the acceptance of used  
8 underground storage tanks for final disposal. The  
9 facility shall accept any underground storage tank  
10 originally sited within the state, provided that the  
11 facility may require as a condition of acceptance,  
12 reasonable preparation, procedures, and information  
13 regarding the tank to facilitate safe processing and  
14 disposal. A sanitary landfill, other than the  
15 designated facility if the facility is a sanitary  
16 landfill, shall not accept underground storage tanks  
17 for disposal. A commercial scrap metal or recycler  
18 may accept a tank for processing. The Iowa  
19 comprehensive petroleum underground storage tank fund  
20 shall compensate the designated tank disposal facility  
21 for the costs associated with processing or disposal  
22 of a tank delivered to the facility for final disposal  
23 pursuant to this section, minus any amounts received  
24 by the facility for scrap or salvage. The facility  
25 shall not charge a fee to an owner or operator of the  
26 underground storage tank as a condition of acceptance.  
27 The waste management authority shall adopt rules as  
28 necessary to govern the processing and disposal of  
29 underground storage tanks by the designated tank  
30 disposal facility."

31 2. By renumbering as necessary.

Amendment H — 3285 was adopted.

Doderer of Johnson offered the following amendment H — 3288 filed by her and moved its adoption:

H — 3288

1 Amend House File 447 as follows:

2 1. Page 32, by striking lines 27 through 32, and

3 inserting the following:

4 "d. Two public members appointed by the governor  
5 and confirmed by the senate to staggered four-year  
6 terms, except that of the first members appointed, one  
7 public member shall be appointed for a term of two  
8 years and one for a term of four years. A public  
9 member shall have experience or expertise in one or  
10 more of the following fields:

11 (1) Financial markets.

12 (2) Environmental or safety regulation or environ-  
13 mental interests.

14 A public member shall not have a conflict of  
15 interest. For purposes of this section a "conflict of  
16 interest" means an affiliation, past or present, with  
17 the regulated tank community, or with a person or  
18 property and casualty insurer offering competitive  
19 insurance or other means of financial assurance or  
20 which previously offered environmental hazard  
21 insurance for a member of the regulated tank  
22 community."

A non-record roll call was requested.

The ayes were 48, nays 27.

Amendment H—3288 was adopted.

### 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 House File 447.

Osterberg of Linn offered the following amendment H—3295 filed by him from the floor and moved its adoption:

H—3295

1 Amend House File 447 as follows:

2 1. Page 32, by inserting after line 17, the  
3 following:  
4 "\_\_\_\_\_. The state, the general fund of the state, or  
5 any other fund of the state, other than the Iowa  
6 comprehensive petroleum underground storage tank fund,  
7 is not liable for a claim or cause of action in  
8 connection with a tank not owned or operated by the  
9 state, or agency of the state. All expenses incurred  
10 by the fund shall be payable solely from the fund and  
11 no liability or obligation shall be imposed upon the  
12 state. The liability of the fund is limited to the  
13 extent of coverage provided by the account under which  
14 a claim is submitted, subject to the terms and  
15 conditions of that coverage. The liability of the

16 fund is further limited by the moneys made available  
 17 to the fund, and no remedy shall be ordered which  
 18 would require the fund to exceed its then current  
 19 funding limitations to satisfy an award or which would  
 20 restrict the availability of moneys for higher  
 21 priority sites. The state is not liable for a claim  
 22 presented against the fund.”

23 2. Page 44, line 3, by inserting after the word  
 24 “reasonable” the following: “, except that in no case  
 25 may a loan guarantee satisfy more than ninety percent  
 26 of the outstanding balance of a loan”.

27 3. Page 47, by inserting after line 14, the  
 28 following:

29 “\_\_\_\_\_. The insurance account may offer, at the  
 30 buyer’s option, a range of deductibles. A ten  
 31 thousand dollar deductible policy shall be offered.”

32 4. By renumbering as necessary.

Amendment H—3295 was adopted.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 447  
 at 11:07 a.m., Speaker Avenson in the chair.

Hatch of Polk offered the following amendment H—3296 filed by  
 him from the floor and moved its adoption:

H—3296

1 Amend House File 447 as follows:

2 1. Page 1, line 27, by inserting before the word  
 3 “determine” the following: “to”.

4 2. Page 8, line 17, by striking the word “tank”  
 5 and inserting the following: “tank,”.

6 3. Page 11, by striking lines 3 and 4, and  
 7 inserting the following:

8 “6. To revoke a permit the director shall serve  
 9 notice as required by section 17A.18 to the permit  
 10 holder informing that person of the”.

11 4. Page 14, line 2, by inserting before the word  
 12 “quarterly” the following: “calendar”.

13 5. Page 17, line 3, by striking the word  
 14 “adopted” and inserting the following: “discharged”.

15 6. Page 18, line 1 by striking the words and  
 16 figures “sections 445.6 and 445.7” and inserting the  
 17 following: “this chapter”.

18 7. Page 22, by striking lines 28 through 33.

19 8. Page 24, line 1, by inserting after the word  
 20 “board” the following: “of supervisors”.

21 9. Page 27, line 6, by striking the word “twenty-  
 22 three” and inserting the following: “Twenty-three”.

23 10. Page 30, line 16, by striking the word

- 24 "purpose" and inserting the following: "purposes".  
 25 11. Page 33, line 15, by striking the words  
 26 "development of" and inserting the following:  
 27 "develop".  
 28 12. Page 33, line 16, by striking the words  
 29 "establishment of" and inserting the following:  
 30 "establish".  
 31 13. Page 33, line 18, by striking the words  
 32 "determination of" and inserting the following:  
 33 "determine".  
 34 14. Page 44, line 12, by striking the word  
 35 "administrator" and inserting the following: "board".  
 36 15. Page 45, line 17, by striking the word "any."  
 37 and inserting the following: "any,".  
 38 16. Page 45, line 20, by striking the words  
 39 "prepared by the administrator and".  
 40 17. Page 53, line 23, by striking the word "co-  
 41 payment" and inserting the following: "copayment".  
 42 18. By renumbering as necessary.

Amendment H—3296 was adopted.

Hanson of Delaware in the chair at 11:49 a.m.

Speaker Avenson in the chair at 12:01 p.m.

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. 447)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	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	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Hibbard

Absent or not voting, 2:

Hammond            Spenner

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 12:19 p.m., until 5:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Arnould of Scott called up for consideration Senate Concurrent Resolution 6, a concurrent resolution relating to the revenue estimating conference and its meetings, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### REFERRED TO COMMITTEE ON WAYS AND MEANS

The Speaker announced that House File 450, presently on the **regular calendar**, was referred to the committee on **ways and means**.

#### 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 6th day of March, 1989: House Files 69, 133, 190, 194 and 195.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing

that on March 3, 1989, he approved and transmitted to the Secretary of State the following bills:

Senate File 89, an act relating to professional licensing in the department of public health by revising certain rulemaking procedures and deleting requirements with respect to departmental approval of colleges in which the professions are taught.

Senate File 91, an act to repeal the state department of transportation's authority to collect delinquent property taxes owed by railway companies.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 6, 1989. Had I been present, I would have voted "aye" on House File 447.

SPENNER of Henry

### PRESENTATION OF VISITORS

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

Twenty-five government students from English Valleys High School, North English, accompanied by Brian Newel. By Tyrrell of Iowa.

### CERTIFICATES OF RECOGNITION

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

JOSEPH O'HERN

Chief Clerk of the House

- |         |   |
|---------|---|
| 1989-11 | Todd Griffin, Laurens-Marathon Community School — Winning the Class 1A State Wrestling Championship in the 130 lb. weight class.                      |
| 1989-12 | Stacey Rice, Storm Lake Community School — Winning the Class 2A State Championship in the 135 lb. weight class.                                       |
| 1989-13 | The Wrestling Team, Glenwood High School — Winning the Class 2A State Wrestling Championship.   |
| 1989-14 | Tim Griffin, Laurens-Marathon Community School — Placing second in the Class 1A State Wrestling Championship competition in the 125 lb. weight class. |
| 1989-15 | Rob Seil, Storm Lake Community School — Placing second in the Class 2A State Wrestling Championship competition in the 130 lb. weight class.          |
| 1989-16 | Jeff Jens, Glenwood High School — Winning the 152 lb. Class 2A State Wrestling Championship.  |

- 1989-17 Mike Bonham, Missouri Valley High School — Being the 135 lb. Class 2A State Wrestling Runner-up at the 1989 State Wrestling Championships.
- 1989-18 Noelle Schreck, Rolfe Community School — Receiving 2nd place (7th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-19 Doug Kjeldgaard, Lewis Central High School — Winning the 145 lb. Class 3A State Wrestling Championship.
- 1989-20 Meghan McCormick, Dubuque — Receiving 3rd place (7th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-21 Melissa Stevens, Urbandale — Receiving 1st place (6th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-22 Kari Ditsworth, Urbandale — Receiving 1st place (9th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-23 Courtney Peterson, Badger — Receiving 2nd place (8th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-24 Stephanie Walker, Spencer — Receiving the Edith Sackett Memorial Award (7th grade) in the 1989 "Write Women Back Into History" essay contest.
- 1989-25 Kathy Conwell, Mt. Pleasant — Receiving 3rd place (8th grade) in the 1989 "Write Women Back Into History" essay contest.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 217.1 (Revision of H.S.B. 217) Education**

Relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

### **H.S.B. 311 State Government**

Relating to the provision of child day care to children of state employees and providing effective dates.

### **H.S.B. 312 Natural Resources and Outdoor Recreation**

To prohibit the willful obstruction or interference with a person who is lawfully hunting, fishing, trapping, or shooting, and providing a penalty.

### **H.S.B. 313 Natural Resources and Outdoor Recreation**

Transferring duties relating to the registration and titling of vessels

and the registration of snowmobiles from the county recorder to the county treasurer.

**H.S.B. 314 Natural Resources and Outdoor Recreation**

Imposing an annual park fee on certain motor vehicles and trailers, providing for the appropriation of revenue, subjecting violators to a penalty, and providing an effective date.

**H.S.B. 315 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. 316 Transportation**

Relating to driver qualifications under motor carrier safety regulations.

**H.S.B. 317 Local Government**

Relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

**H.S.B. 318 Human Resources**

Relating to the juvenile justice code and provisions regarding child abuse.

**H.S.B. 319 Human Resources**

Relating to victim counseling and services.

**H.S.B. 320 Transportation**

Relating to moneys appropriated for recreational trails and providing an effective date.

SUBCOMMITTEE ASSIGNMENT

**House File 419**

Transportation: Shearer, Chair; Gruhn and Spenner.

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 227), relating to agricultural landholdings by corporations, trusts, and limited partnerships, making penalties applicable, and providing dates for compliance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 228), relating to the regulation of commercial feed.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

COMMITTEE ON EDUCATION

**House File 316**, a bill for an act requiring a multicultural, nonsexist approach in all accredited schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3290** March 2, 1989.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 200.1), relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 49**, a bill for an act relating to benefits provided to permanent, part-time employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3292** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 168), relating to certain controlling terms of collective bargaining agreements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 193), relating to workers' compensation coverage for participants in work and training programs and unemployed parent-community work experience programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

COMMITTEE ON LOCAL GOVERNMENT

**House File 324**, a bill for an act relating to the confidentiality of county general relief records, and providing a penalty for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3291** March 1, 1989.

COMMITTEE ON STATE GOVERNMENT

**House Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1989.

**Senate File 118**, a bill for an act relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 85), relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the audit responsibilities of the department, and providing other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 108), permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 281), providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1989.

**Committee Resolution** (Formerly House Study Bill 192), relating to the implementation of a state transit fund distribution formula recommended by the public transit assistance distribution study steering committee.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 218), 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** March 2, 1989.

**Committee Bill** (Formerly House Study Bill 284), relating to the cancellation of operator's licenses during their first year of issuance.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 1989.

### BILL ENROLLED, SIGNED AND SENT TO SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following 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 March, 1989: House Joint Resolution 7.

JOSEPH O'HERN  
Chief Clerk of the House

Report adopted.

### RESOLUTION FILED

**SCR 7**, by committee on transportation, a concurrent resolution urging the national economic commission to reject proposals to increase the federal motor fuel tax and to find other, more equitable and less damaging ways of reducing the federal budget deficit.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3290	H.F.	316	Committee on Education
H-3291	H.F.	324	Committee on Local Government
H-3292	H.F.	49	Committee on Labor and Industrial Relations
H-3293	H.F.	271	Groninga of Cerro Gordo
H-3294	H.F.	435	Gruhn of Dickinson
H-3297	S.F.	150	Neuhauser of Johnson
H-3298	H.F.	49	Neuhauser of Johnson
H-3299	S.F.	170	Jochum of Dubuque
H-3300	H.F.	451	Blanshan of Greene

On motion by Arnould of Scott, the House adjourned at 5:39 p.m., until 9:00 a.m., Tuesday, March 7, 1989.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 7, 1989

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 6, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 475**, by committee on transportation, a bill for an act providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment and providing an effective date.

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

**House File 476**, by committee on energy and environmental protection, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters.

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

**House File 477**, by Schrader, a bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

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

**House File 478**, by Stromer, a bill for an act authorizing the imposition of a local option income surtax for purposes of a municipal hospital.

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

**House File 479**, by Beaman, a bill for an act providing for the regulation and access to department of correctional services data by the Iowa online warrants and articles system.

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

**House File 480**, by Cohoon, a bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

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

**House File 481**, by Peters and Hansen of Woodbury, a bill for an act relating to group insurance for retired members of the Iowa public employees' retirement system.

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

**House File 482**, by Svoboda, a bill for an act relating to extension of appeal deadlines in connection with claims for unemployment compensation benefits.

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

**House File 483**, by Cohoon, a bill for an act relating to school bus driver education requirements.

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

**House File 484**, by Svoboda, a bill for an act relating to the qualifications of judges presiding over domestic abuse proceedings.

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

**House File 485**, by Gruhn and Fogarty, a bill for an act relating to the release of HIV-related results of certain persons to paramedics or emergency medical technicians under certain circumstances.

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

**House File 486**, by Fogarty, a bill for an act relating to charging an employer's account for unemployment compensation benefits.

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

**House File 487**, by Connolly, a bill for an act relating to student exercise of free expression in the public schools.

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

**House File 488**, by Fey, a bill for an act relating to the assessment and valuation of certain real property and providing an effective date.

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

**House File 489**, by Doderer, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

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

**House File 490**, by committee on state government, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters.

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

**House File 491**, by Beaman and Tyrrell, a bill for an act providing for the reimbursement of expenses incurred for the maintenance and safekeeping of transferred county prisoners.

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

**House File 492**, by Black, a bill for an act relating to eligibility for payment of moneys to teachers under the educational excellence program.

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

**House File 493**, by Hanson of Delaware, a bill for an act authorizing members of an ambulance service to use blue flashing lights on their privately owned motor vehicles, with a penalty applicable.

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

**House File 494**, by Hansen of Woodbury, a bill for an act requiring the local option sales and services tax to be administered and collected by the county.

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

**House File 495**, by Holveck, a bill for an act relating to uninsured and underinsured motor vehicle coverage by mandating an offer to provide property damage coverage under similar conditions as uninsured and underinsured coverage.

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

**House File 496**, by Renken, a bill for an act relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties.

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

**House File 497**, by committee on labor and industrial relations, a bill for an act relating to certain controlling terms of collective bargaining agreements.

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 3, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 59, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date.

Also: That the Senate has on March 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 141, 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 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

In celebration of Women's History Month, the Iowa Commission on the Status of Women, the Iowa Department of Education and the Iowa State Historical Society sponsored a "Write Women Back Into History" essay contest.

Nielsen of Linn introduced to the House the following winners who were present in the House chamber.

**Sixth-seventh grade winners:**

- Meghan McCormick, Dubuque — Third Place (Connolly of Dubuque)
- Noelle Schreck, Rolfe — Second Place (Mertz of Kossuth)

**Eighth-ninth grade winners:**

- Kathy Conwell, Mt. Pleasant — Third Place (Spenner of Henry)
- Courtney Peterson, Ft. Dodge — Second Place (Adams of Hamilton)

**Edith Sackett Memorial Award**

- Stephanie Walker, Spencer (Fogarty of Palo Alto)

Metcalf of Polk presented to the House the following winners from Urbandale:

**Sixth-seventh grade winner:**

- Melissa Stevens — First Place (Metcalf of Polk)

**Eighth-ninth grade winner:**

- Kari Ditsworth — First Place (Metcalf of Polk)

Certificates of Recognition were presented to the winners by their respective Representatives.

The House rose and expressed its congratulations.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster on request of Connors of Polk; Swartz of Marshall on request of Blanshan of Greene, both until their arrival.

### SENATE AMENDMENT CONSIDERED

House Refused To Concur

Holveck of Polk called up for consideration **House File 199**, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations,

and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions, amended by the Senate, and moved that the House concur in the following Senate amendment H—3267:

H—3267

1 Amend House File 199, as passed by the House, as  
2 follows:

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

5 "Section 1. Section 509.3, Code 1989, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. A provision shall be made  
8 available to policyholders, under group policies  
9 covering hospital, medical, or surgical expenses, for  
10 payment of mammographic examinations, under terms and  
11 conditions agreed upon between the insurer and the  
12 policyholder, subject to utilization controls. This  
13 subsection applies to group policies delivered or  
14 issued for delivery in this state on or after July 1,  
15 1989, and to existing group policies on their next  
16 anniversary or renewal dates, or upon expiration of  
17 the applicable collective bargaining contract, if any,  
18 whichever is later. This subsection does not apply to  
19 blanket, short-term travel, accident only, limited or  
20 specified disease, or individual or group conversion  
21 policies, or policies designed only for issuance to  
22 persons for coverage under title XVIII of the federal  
23 Social Security Act, or any other similar coverage  
24 under a state or federal government plan.

25 Sec. 2. Section 514.7, Code 1989, is amended by  
26 adding the following new unnumbered paragraph:

27 NEW UNNUMBERED PARAGRAPH. A provision shall be  
28 available in approved contracts with hospital and  
29 medical service corporate subscribers under group  
30 subscriber contracts or plans covering medical and  
31 surgical service, for payment of mammographic  
32 examinations, under terms and conditions agreed upon  
33 between the corporation and the subscriber group,  
34 subject to utilization controls. This paragraph  
35 applies to group subscriber contracts delivered in  
36 this state on or after July 1, 1989, and to existing  
37 group subscriber contracts on their anniversary or  
38 renewal date, or upon the expiration of the applicable  
39 collective bargaining contract, if any, whichever is  
40 the later. This paragraph does not apply to contracts  
41 designed only for issuance to subscribers eligible for  
42 coverage under title XVIII of the federal Social  
43 Security Act, or any other similar coverage under a  
44 state or federal government plan.

45 Sec. 3. Section 514B.1, subsection 2, Code 1989,  
 46 is amended by adding the following new unnumbered  
 47 paragraph:  
 48 NEW UNNUMBERED PARAGRAPH. The health care services  
 49 available to enrollees under prepaid group plans  
 50 covering hospital, medical, or surgical expenses, may

**Page 2**

1 include, at the option of the employer purchaser, a  
 2 provision for payment for mammographic examinations,  
 3 under terms and conditions agreed upon between the  
 4 purchaser and the health maintenance organization,  
 5 subject to utilization controls. This paragraph  
 6 applies to services provided under plans implemented  
 7 in this state on or after July 1, 1989, and to  
 8 existing group plans on their next anniversary or  
 9 renewal date, or upon the expiration of the applicable  
 10 collective bargaining contract, if any, whichever is  
 11 later. This paragraph does not apply to enrollees  
 12 eligible for coverage under title XVIII of the federal  
 13 Social Security Act or any other similar coverage  
 14 under a state or federal government plan."

The motion lost and the House refused to concur in the Senate amendment H—3267.

**Regular Calendar**

**House File 198**, a bill for an act relating to the issuance and possession of commercial fishing operators' licenses, was taken up for consideration.

Spear of Lee offered the following amendment H—3153 filed by him and moved its adoption:

H—3153

- 1 Amend House File 198 as follows:
- 2 1. Page 1, by striking line 12 and inserting the
- 3 following:
- 4 "2. It is ~~lawful for a~~ A commercial fisher to may
- 5 designate a".
- 6 2. Page 1, line 14, by striking the words "or
- 7 all" and inserting the following: "~~or all~~".

Amendment H—3153 was adopted.

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. 198)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Connolly	Halvorson, R. N.	Jesse	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.

**Senate File 152**, a bill for an act relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, and providing an effective date, 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. 152)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Connolly                      Halvorson, R. N.                      Jesse                      Swartz

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

**House File 13**, a bill for an act relating to conduct which endangers the physical health or safety of a student and which is a condition of association with a student group or organization, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—3250 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3250

- 1 Amend House File 13 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "serious" and inserting the following: "simple".
- 4 2. Page 1, by striking lines 18 through 20.
- 5 3. Page 1, lines 22 and 23, by striking the words
- 6 "class "D" felony" and inserting the following:
- 7 "serious misdemeanor".
- 8 4. By renumbering as necessary.

The committee amendment H—3250 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. 13)

The ayes were, 91:

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

The nays were, 5:

Bennett	Hanson, D. R.	Petersen, D. F.	Renken
Trent			

Absent or not voting, 4:

Connolly	Halvorson, R. N.	Hammond	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.

On motion by Arnould of Scott, the House was recessed at 10:02 a.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:

Blanshan of Greene, for the afternoon session, on request of Teaford of Black Hawk.

## INTRODUCTION OF BILLS

**House File 498**, by Daggett, a bill for an act relating to the acceptable light transmittance for windshields, windows, and side wings of motor vehicles being operated on the highways, with a penalty applicable.

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

**House File 499**, by Neuhauser, a bill for an act requiring the department of human services to classify child day care services.

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

**House File 500**, by committee on state government, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine.

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

**House File 501**, by committee on labor and industrial relations, a bill for an act relating to workers' compensation coverage for participants in work and training programs and unemployed parent-community work experience programs.

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

**House File 502**, by Adams, a bill for an act relating to the method for computing the extraordinary property tax credit for elderly or disabled persons and providing for the Act's applicability.

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

**House File 503**, by Doderer, a bill for an act relating to group accident and sickness insurance, group nonprofit health service plans, and prepaid group plans of health maintenance organizations by mandating inclusion of newborn infant coverage for treatment, including routine well-baby care, under certain circumstances.

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

**House File 504**, by Shoultz, a bill for an act relating to licensing fees for class "E" liquor control licenses.

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

**House File 505**, by Maulsby, a bill for an act relating to gifts to charitable organizations and nonprofit corporations.

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

**House File 506**, Hansen of Woodbury and Harbor, a bill for an act relating to the solicitation of public donations and making penalties applicable.

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

**House File 507**, 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 508**, by Spear, a bill for an act relating to arbitration of claims brought against health care providers and hospitals, and reporting of claims and acts which may constitute claims and providing penalties.

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

**House File 509**, by Pellett, a bill for an act relating to mobile home parks by requiring the state building code commissioner to adopt rules requiring the construction and maintenance of storm shelters within mobile home parks, and providing penalties.

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

**House File 510**, by Hibbard, a bill for an act relating to easements on property within drainage or levee districts.

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

**House File 511**, by Harbor, a bill for an act establishing a science and technology foundation, and authorizing the issuance of bonds and providing an effective date.

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

**House File 512**, by Carpenter, a bill for an act relating to the payment of a support obligation out of garnisheed funds.

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

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 432**, a bill for an act relating to canteen funds under the authority of the director of the department of corrections, was taken up for consideration.

Hammond of Story offered the following amendment H—3278 filed by her:

H—3278

- 1 Amend House File 432 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. REPORTS ON CANTEEN FUNDS. For each
- 5 institution of the state at which a canteen is
- 6 operated, the receipts and disbursements of the
- 7 canteen fund shall be reported annually to the co-
- 8 chairpersons and ranking minority members of the
- 9 appropriate appropriations subcommittee. Reports for
- 10 canteens at institutions within the departments of
- 11 corrections and human resources shall be made by the
- 12 directors of the respective departments. Reports for
- 13 canteens at other institutions, including the
- 14 university of Iowa hospitals and clinics, shall be
- 15 made by the administrative heads of the respective
- 16 institutions."
- 17 2. Title page, lines 1 and 2, by striking the
- 18 words "under the authority of the director of the
- 19 department of corrections" and inserting the
- 20 following: "at state institutions".
- 21 3. By renumbering as necessary.

Connors of Polk rose on a point of order that amendment H—3278 was not germane.

The Speaker ruled the point well taken and amendment H—3278 not germane.

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. 432)

The ayes were, 94:

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

The nays were, none.

Absent or not voting, 6:

Blanshan	Connolly	Corbett	Hatch
Lykam	Svoboda		

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

**House File 20**, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation, with report of committee recommending amendment and passage was taken up for consideration.

Chapman of Linn offered the following amendment H — 3248 filed by the committee on judiciary and law enforcement and moved its adoption:

H — 3248

- 1 Amend House File 20 as follows:
- 2 1. Page 1, by striking lines 23 through 27 and
- 3 inserting the following: "The supreme court shall

- 4 cause a preliminary report to be submitted to the  
 5 general assembly in January 1991, with a final report  
 6 to be submitted in January 1992. The final report  
 7 shall contain recommendations regarding the adoption  
 8 of mediation of child custody and visitation issues in  
 9 dissolution cases in courts throughout the state. The  
 10 final report shall include, but not be limited to, all  
 11 of the following:
- 12 a. The average length of time for cases to proceed  
 13 from commencement to final settlement in the mediation  
 14 process.
  - 15 b. The degree of party compliance with the terms  
 16 of a settlement.
  - 17 c. The frequency of modifications of mediated  
 18 settlements.
  - 19 d. The satisfaction of the parties with respect to  
 20 access to mediation, participation in mediation, and  
 21 fairness of the mediation process.
  - 22 e. The amount of time and money saved by the  
 23 parties and court as a result of proceeding through  
 24 mediation rather than litigation.”
- 25 2. Page 3, by inserting after line 19 the  
 26 following:
- 27 “d. The mediator determines that a verified  
 28 petition alleging domestic abuse has been filed by a  
 29 party pursuant to chapter 236.”
- 30 3. Page 3, by striking lines 25 and 26 and  
 31 inserting the following: “under this Act. Persons  
 32 listed may”.
- 33 4. By striking page 3, line 33 through page 4,  
 34 line 9 and inserting the following: “procedures as  
 35 they apply to the Iowa court system.”

The committee amendment H—3248 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. 20)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cphoon	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Connolly	Corbett	Hatch
Lykam	Muhlbauer	Svoboda	

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 1:43 p.m., until the fall of the gavel.

The House resumed session at 3:03 p.m., Speaker Avenson in the chair.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 7, 1989, he approved and transmitted to the Secretary of State the following bills:

Senate File 38, an act relating to the payment of moneys to teachers under the educational excellence program, including calculation of payments, the frequency and manner of payments, eligibility for payments, and deadlines for submission of plans and reports of moneys expended.

Senate File 113, an act relating to state taxes and tax administration by increasing the threshold for making estimated income tax payments, allowing an election by withholding agents to make estimated tax payments on behalf of nonresidents on incomes from agricultural products, providing for the adoption of federal estate tax values by agreement between the estate and the department, and the repealing of the railway vehicle fuel tax and railway mileage tax, and providing effective dates and applicability provisions.

## PRESENTATION OF VISITORS

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

Fifty-five fifth grade students from Clegg Park Elementary School, West Des Moines, accompanied by Mrs. True and Mrs. Tychsen. By Carpenter of Polk.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### **H.S.B. 321 Agriculture**

Relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expending participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 351 (Reassigned)**

Judiciary and Law Enforcement: Brammer, Chair; Rosenberg and Shoning.

#### **House File 359**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

#### **House File 361**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

#### **House File 376**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

#### **House File 421**

Agriculture: Osterberg, Chair; Banks and Johnson.

#### **House File 422**

Labor and Industrial Relations: Ollie, Chair; Kistler and Neuhauser.

#### **House File 427**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

#### **House File 439**

Local Government: Spear, Chair; Haverland and Royer.

#### **House File 444**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 452**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 453**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 454**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

**House File 459**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hibbard and Siegrist.

**House File 460**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 463**

Agriculture: Hibbard, Chair; Branstad and Schrader.

**House File 467**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Hibbard and Siegrist.

**House File 470**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

**House File 474**

Judiciary and Law Enforcement: Brammer, Chair; Clark and Peterson of Carroll.

**House File 479**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 484**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 489**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 508**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 82**

Judiciary and Law Enforcement: Poney, Chair; Harbor and Renaud.

**Senate File 117**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**Senate File 174**

Agriculture: Svoboda, Chair; De Groot and Fuller.

**Senate File 182**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**Senate File 253**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 254**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**Senate File 260**

Energy and Environmental Protection: Adams, Chair; Dvorsky, Holveck, Lundby and Trent.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 300**

Labor and Industrial Relations: Ollie, Chair; Kistler and Neuhauser.

**House Study Bill 301**

Labor and Industrial Relations: Halvorson of Webster, Chair; Miller and Peters.

**House Study Bill 304**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 305**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 307**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 308**

Local Government: Mertz, Chair; McKean and Peters.

**House Study Bill 309**

Local Government: Bisignano, Chair; Brown and Renken.

**House Study Bill 312**

Natural Resources and Outdoor Recreation: Tyrrell, Chair; Lykam and Schrader.

**House Study Bill 313**

Natural Resources and Outdoor Recreation: Schrader, Chair; May and Royer.

**House Study Bill 314**

Natural Resources and Outdoor Recreation: Lykam, Chair; Diemer and Fogarty.

**House Study Bill 315**

Transportation: Fey, Chair; De Groot and Gruhn.

**House Study Bill 316**

Transportation: Koenigs, Chair; Beaman, Branstad, Cohoon and Muhlbauer.

**House Study Bill 317**

Local Government: Muhlbauer, Chair; Fuller, Renken, Royer and Shearer.

**House Study Bill 320**

Transportation: Black, Chair; Branstad and Fey.

**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 179), relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1989.

**Committee Bill** (Formerly House Study Bill 289), relating to the agricultural product advisory council.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 262**, a bill for an act to revise provisions relating to offensive weapons, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1989.

**Committee Bill** (Formerly House Study Bill 279), relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 6, 1989.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 384**, a bill for an act relating to sheriffs' sales by permitting written sealed bids to be received, and providing procedures for written sealed bids.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3302** March 6, 1989.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 142**, a bill for an act relating to special health and accident insurance coverages, including individual and group accident and sickness insurance, nonprofit medical service corporation or hospital service corporation contracts, or health maintenance organization contracts, by prohibiting denial of insurance or other third-party payor contract or policy based upon an applicant's receipt of psychological counseling.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3301** March 6, 1989.

**House File 248**, a bill for an act relating to corporations, by authorizing certain stock rights and options and corporate defenses against hostile takeovers and by permitting consideration by the board of directors of the impact of corporate decisions upon interested groups other than the corporation's shareholders.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3304** March 6, 1989.

**House File 380**, a bill for an act relating to real estate practices, permitting certain activities to be conducted through a corporation owned by a real estate broker associate or salesperson, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 6, 1989.

## RESOLUTION FILED

**HCR 7**, by committee on transportation, a concurrent resolution relating to the implementation of a state public transit assistance fund distribution formula recommended by the Iowa public transit assistance distribution study steering committee.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—3301	H.F.	142	Committee on Small Business and Commerce
H—3302	H.F.	384	Committee on Local Government

H-3303	H.F.	121	Peterson of Carroll
H-3304	H.F.	248	Committee on Small Business and Commerce
H-3305	H.F.	121	Peterson of Carroll

On motion by Arnould of Scott, the House adjourned at 3:04 p.m., until 9:00 a.m., Wednesday, March 8, 1989.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 8, 1989

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

Prayer was offered by Reverend Robert Gates, pastor of the First Christian Church, Fairfield.

The Journal of Tuesday, March 7, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Halvorson of Webster; Haverland of Polk, until his arrival, on request of Ollie of Clinton.

## 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-third General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Becky Baltisberger	Alison Kvetko
Valerie Downey	Ann Livermore
Erin Finnegan	Laura Merritt
Dawn Gitch	Amy Schmitt
Jeff Grundmeyer	Sara Seim
Steve Hulsizer	Jennifer Sels
Ian King	Kelly Simonsen
Jennifer Kultala	Amie Stumbo

## INTRODUCTION OF BILLS

**House File 513**, by Jay, a bill for an act prohibiting the theft of telephone service, and making penalties applicable.

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

**House File 514**, by Svoboda, a bill for an act relating to the cancellation of school licenses.

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

**House File 515**, by Metcalf, a bill for an act restructuring the guaranteed student loan payment program to include a minority teacher loan repayment program.

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

**House File 516**, by Shearer, a bill for an act relating to medical benefits in workers' compensation cases and providing for a penalty.

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

**House File 517**, by Harper and Shoultz, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

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

**House File 518**, by Svoboda and Royer, a bill for an act relating to the acquisition and distribution by the department of economic development of items promoting Iowa.

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

**House File 519**, by Tyrrell, a bill for an act relating to the form of legislative bills proposing changes in the compensation or expenses of members of the general assembly.

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

**House File 520**, by Svoboda, a bill for an act relating to the requirement of a substance abuse evaluation for first offenders convicted of operating a motor vehicle while intoxicated.

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

**House File 521**, by Clark, a bill for an act relating to certain funds collected by the child support recovery unit of the department of human services.

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

**House File 522**, by Mertz and Branstad, a bill for an act relating to the filling of a vacancy on the county board of supervisors.

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

**House File 523**, by Doderer, a bill for an act relating to the time when a civil action shall be commenced for sexual abuse of a person under the age of eighteen.

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

**House File 524**, by Schnekloth, a bill for an act relating to property taxation of certain state and county property and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 525**, by Jay, a bill for an act to deregulate the sale of decorative gas lamps.

Read first time and referred to committee on **energy and environmental protection**.

**House File 526**, by Shearer, a bill for an act relating to the annual salaries of deputy county officers and assistant county attorneys.

Read first time and referred to committee on **local government**.

**House File 527**, by Renken, a bill for an act repealing the requirement for mandatory use of seat belts by certain persons.

Read first time and referred to committee on **transportation**.

**House File 528**, by Groninga, a bill for an act relating to the repeal of a local option sales and services tax and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

**House File 529**, by Svoboda, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 530**, by Svoboda, a bill for an act relating to substance abuse and domestic abuse sensitivity training courses for judges and magistrates.

Read first time and referred to committee on **judiciary and law enforcement**.

## SENATE MESSAGES CONSIDERED

**Senate File 141**, 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 272**, by committee on commerce, a bill for an act relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

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 6, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 292, a bill for an act relating to increasing license fees for certain persons engaged in the commercial care of animals.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 45, a bill for an act relating to reciprocity in continuing education requirements for persons licensed to practice a profession or occupation in this state.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 111, a bill for an act relating to foreign money judgments and providing an effective date.

Also: That the Senate has on March 7, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 124, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 168, a bill for an act relating to the filing date for income tax returns.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 275, a bill for an act relating to the administration of an estate and changing certain notice provisions.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 276, a bill for an act relating to the registration of federal liens.

Also: That the Senate has on March 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 279, a bill for an act relating to the investment and use of moneys in the perpetual care funds of a cemetery.

JOHN F. DWYER, Secretary

### MOTION TO RECONSIDER PREVAILED (House File 146)

Brown of Lucas called up for consideration the motion to reconsider House File 146, filed on February 13, 1989, and moved to reconsider the vote by which House File 146, a bill for an act relating to the county commission of veteran affairs, passed the House and was placed on its last reading on February 13, 1989.

A non-record roll call was requested.

The ayes were 57, nays 2.

The motion prevailed and the House reconsidered House File 146, placing out of order the motions to reconsider filed by Shoning of Woodbury and Hammond of Story on February 13, 1989.

Hammond of Story offered the following amendment H-3165 filed by Hammond, et al. Division was requested as follows:

H-3165

1 Amend House File 146 as follows:

H-3165A

2 1. Page 1, line 15, by inserting after the word  
3 "employed." the following: "The executive director  
4 and other administrative or clerical assistants may be  
5 persons otherwise employed by the county."

H-3165B

6 2. Page 1, line 17, by inserting after the word  
7 "members." the following: "However, this  
8 qualification requirement shall not apply to a person  
9 employed as an executive director prior to the  
10 effective date of this Act."

H-3165A

- 11 3. Page 1, line 19, by inserting after the word  
12 "auditor" the following: "or another employee of the  
13 county".  
14 4. Page 1, by inserting after line 29 the  
15 following:  
16 "Sec. \_\_\_\_\_. Section 250.12, Code 1989, is amended  
17 to read as follows:  
18 250.12 BENEFIT INFORMATION CONFIDENTIAL.  
19 It shall be is unlawful for any a county board of  
20 supervisors or any a county commission of veteran  
21 affairs to place the administration of the duties of  
22 the county commission of veteran affairs under any  
23 other agency of any county, or to publish the names of  
24 the veterans or their families who receive benefits  
25 under the provisions of this chapter."  
26 5. By renumbering as necessary.

Nielsen of Linn asked and received unanimous consent to defer amendment H-3165A.

Chapman of Linn in the chair at 9:40 a.m.

On motion by Hammond of Story, amendment H-3165B was adopted.

The House resumed consideration of amendment H-3165A, previously deferred.

Further division of amendment H-3165A was requested as follows:

- H-3165A - lines 2 through 5 and lines 11 through 13.  
H-3165C - lines 14 through 25.

Hammond of Story moved the adoption of amendment H-3165A.

A non-record roll call was requested.

The ayes were 31, nays 53.

Amendment H-3165A lost.

Hammond of Story asked and received unanimous consent to withdraw amendment H-3165C.

Brown 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. 146)

The ayes were, 88:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKinney	Mertz	Miller	Muhlbauer
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Chapman Presiding

The nays were, 10:

Adams	Carpenter	Halvorson, R. N.	Hammond
Hermann	Holveck	McKean	Metcalf
Neuhauser	Osterberg		

Absent or not voting, 2:

Haverland	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.

Speaker Avenson in the chair at 9:59 a.m.

On motion by Arnould of Scott, the House was recessed at 10:00 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 531**, by committee on agriculture, a bill for an act relating to agricultural landholdings by corporations, trusts, and limited partnerships, making penalties applicable, and providing dates for compliance.

Read first time and placed on the **calendar**.

**House File 532**, by committee on judiciary and law enforcement, a bill for an act relating to the administration of an estate and changing certain notice provisions.

Read first time and placed on the **calendar**.

**House File 533**, by committee on agriculture, a bill for an act relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship and by the Iowa grain indemnity board.

Read first time and placed on the **calendar**.

**House File 534**, by committee on agriculture, a bill for an act relating to the regulation of commercial feed and providing for the increase of fees.

Read first time and placed on the **calendar**.

**House File 535**, by committee on education, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 45**, by Hultman, a bill for an act relating to reciprocity in continuing education requirements for persons licensed to practice a profession or occupation in this state.

Read first time and referred to committee on **state government**.

**Senate File 111**, by Jensen, a bill for an act relating to foreign money judgments and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 168**, by Murphy, a bill for an act relating to the filing date for income tax returns.

Read first time and referred to committee on **ways and means**.

**Senate File 275**, by committee on judiciary, a bill for an act relating to the administration of an estate and changing certain notice provisions.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 276**, by committee on judiciary, a bill for an act relating to the registration of federal liens.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 279**, by committee on state government, a bill for an act relating to the investment and use of moneys in the perpetual care funds of a cemetery.

Read first time and referred to committee on **local government**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 121**, a bill for an act relating to parental leaves of absence for employees of the state and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee in the chair at 4:50 p.m.

Peterson of Carroll offered the following amendment H-3265 filed by the committee on labor and industrial relations and moved its adoption:

H-3265

- 1 Amend House File 121 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "section" the following: "; however, provision of the
- 4 minimum standard shall not be subject to or considered
- 5 part of a collective bargaining negotiation".

The committee amendment H-3265 was adopted.

Peterson of Carroll offered the following amendment H-3305 filed by him and moved its adoption:

H-3305

- 1 Amend House File 121 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "sixteen" and inserting the following: "twelve".

- 4 2. Page 1, line 28, by striking the word
- 5 "sixteen" and inserting the following: "twelve".

Amendment H—3305 was adopted.

Peterson of Carroll offered the following amendment H—3303 filed by him:

H—3303

- 1 Amend House File 121 as follows:
- 2 1. Page 2, line 23, by striking the figure "1990"
- 3 and inserting the following: "1991".

Lundby of Linn offered the following amendment H—3308, to amendment H—3303, filed by her from the floor:

H—3308

- 1 Amend the amendment, H—3303, to House File 121 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, line 17, by inserting after the
- 6 word "child" the following: "who is less than eight
- 7 years of age".
- 8 \_\_\_\_\_. Page 1, by striking lines 20 and 21, and
- 9 inserting the following: "Parental leave shall begin
- 10 no later than six weeks following the".
- 11 2. By renumbering as necessary.

The following amendment H—3315, to amendment H—3308, to amendment H—3303, filed by Connors of Polk from the floor was adopted by unanimous consent:

H—3315

- 1 Amend amendment H—3308, to House File 121 as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "age" the words "or who has special needs".

On motion by Lundby of Linn, amendment H—3308, as amended, was adopted.

Garman of Story offered the following amendment H—3312, to amendment H—3303, filed by her from the floor and moved its adoption:

H—3312

- 1 Amend amendment, H—3303, to House File 121 as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, by striking lines 16 through 22 and

- 6 inserting the following: "during any period of  
 7 parental leave. The employee may prepay the costs  
 8 through payroll deduction.""  
 9 2. By renumbering as necessary.

Amendment H—3312 lost.

On motion by Peterson of Carroll, amendment H—3303, as amended, was adopted.

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. 121)

The ayes were, 76:

Adams	Arnould	Avenson, Spkr.	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Doderer
Dvorsky	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
			Presiding

The nays were, 22:

Banks	Beaman	Branstad	Daggett
De Groot	Diemer	Eddie	Fuller
Garman	Harbor	Hermann	Kremer
Lageschulte	Maulsby	Metcalf	Miller
Petersen, D. F.	Renken	Royer	Schneklloth
Stromer	Van Maanen		

Absent or not voting, 2:

Halvorson, R. A. Haverland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**SENATE MESSAGE CONSIDERED**

**Senate File 124**, by committee on state government, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations.

Read first time and referred to committee on **small business and commerce**.

**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 17, a bill for an act relating to minimum wage requirements.

(Signed by Representatives Sherzan of Polk, Brammer of Linn and Connors of Polk; and Senators Peterson of Monroe, Gettings of Wapello and Kinley of Polk.)

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 8, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 69, an act relating to the dissolution of the Eldora Cemetery Society, Incorporated and the disposition of its property, and providing effective dates.

House File 133, an act relating to the election of the president of the state board of education.

House File 190, an act relating to the time period for which an annual accounting report for the revolving farm fund is filed.

House File 194, an act relating to providing criminal history information to licensed private child-caring and child-placing agencies and certified adoption investigators.

House File 195, an act relating to a mandatory assignment of unemployment benefits by the child support recovery unit.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on March 7, 1989. Had I been present, I would have voted "aye" on House Files 13, 20, 198 and 432 and Senate File 152.

**CONNOLLY** of Dubuque

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**STATE OF SOUTH DAKOTA**

House Concurrent Resolution 1009, encouraging the preservation and development of the Blood Run site.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 322 State Government**

Relating to notaries public and other notarial officers and notarial acts, and providing an applicability date.

**H.S.B. 323 Human Resources**

Relating to physician specialists providing service to patients enrolled in a health maintenance organization.

**H.S.B. 324 Human Resources**

Relating to the establishment of an intermediary procedure for the voluntary disclosure of adoption records under specified circumstances and of an adoption contact registry to match voluntary consents to the disclosure of identifying information by persons related to the same adoption, and providing penalties.

**H.S.B. 325 Education**

Relating to the penalties for distribution of controlled substances in, on, or near school property.

**H.S.B. 326 Natural Resources and Outdoor Recreation**

Creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, imposing a tax on certain beverage containers, and subjecting violators to penalties.

**H.S.B. 327 Energy and Environmental Protection**

Relating to the department of natural resources, by dividing the department of natural resources into two different departments according to the functions of the current department of natural resources' divisions.

**H.S.B. 328 State Government**

Relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons.

**H.S.B. 329 Natural Resources and Outdoor Recreation**

Relating to the taking of deer and wild turkey.

**H.S.B. 330 Education**

To repeal the provision repealing the postsecondary options Act.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 12**

State Government: Blanshan, Chair; Doderer and Hanson of Delaware.

**House File 391**

Natural Resources and Outdoor Recreation: Black, Chair; Pellett and Schrader.

**House File 406**

Small Business and Commerce: Blanshan, Chair; Metcalf and Shoultz.

**House File 409**

Natural Resources and Outdoor Recreation: McKean, Chair; Lykam and Swartz.

**House File 435**

Ways and Means: Osterberg, Chair; Schnekloth and Teaford.

**House File 438**

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and Johnson.

**House File 440**

Ways and Means: May, Chair; Brand and Petersen of Muscatine.

**House File 449**

Ways and Means: Teaford, Chair; Osterberg and Schnekloth.

**House File 450**

Ways and Means: Osterberg, Chair; May and Petersen of Muscatine.

**House File 455**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 456**

Small Business and Commerce: Holveck, Chair; Dvorsky and Trent.

**House File 457**

Appropriations: Halvorson of Webster, Chair; Halvorson of Clayton and Swartz.

**House File 458**

Small Business and Commerce: Brammer, Chair; Hibbard and Shoning.

**House File 462**

Education: Wise, Chair; Beaman and Cohoon.

**House File 464**

Ways and Means: Groninga, Chair; Daggett and May.

**House File 465**

Local Government: Bisignano, Chair; Hatch and Hester.

**House File 466**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Jay and Maulsby.

**House File 468**

Small Business and Commerce: Jesse, Chair; Kremer and Shoultz.

**House File 469**

Ways and Means: Chapman, Chair; Holveck and Renken.

**House File 471**

Ways and Means: Chapman, Chair; Holveck and Renken.

**House File 476**

Ways and Means: May, Chair; Brand, Hanson of Delaware, Renken and Rosenberg.

**House File 477**

Natural Resources and Outdoor Recreation: Schrader, Chair; McKean and Osterberg.

**House File 478**

Ways and Means: Connolly, Chair; Bennett and Fey.

**House File 480**

Natural Resources and Outdoor Recreation: May, Chair; Koenigs and Tyrrell.

**House File 481**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 487**

Education: Shearer, Chair; Siegrist and Spear.

**House File 488**

Ways and Means: May, Chair; Brand and Petersen of Muscatine.

**House File 491**

Local Government: Haverland, Chair; Eddie and Peters.

**House File 492**

Education: Wise, Chair; Harper and Siegrist.

**House File 494**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 495**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 503**

Small Business and Commerce: Bisignano, Chair; Doderer and Shoning.

**House File 510**

Local Government: Royer, Chair; Fuller and Mertz.

**House File 511**

Economic Development: Jesse, Chair; Bennett, Lykam, Metcalf and Ollie.

**House File 519**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**Senate File 52**

Education: Harper, Chair; Haverland and Maulsby.

**Senate File 79**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**Senate File 167**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**Senate File 215**

Ways and Means: Brand, Chair; Bennett and May.

**Senate File 223**

Education: Neuhauser, Chair; Brand, Haverland, Lageschulte and Siegrist.

**Senate File 224**

Education: Shearer, Chair; Siegrist and Spear.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 310**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 311**

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Tyrrell.

**House Study Bill 318**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 319**

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

**House Study Bill 326**

Natural Resources and Outdoor Recreation: Johnson, Chair; Diemer, McKean, Osterberg 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 EDUCATION**

**Committee Bill** (Formerly House Study Bill 217.1), relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 7, 1989.

**Committee Bill** (Formerly House Study Bill 232), relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1989.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**Senate File 46**, a bill for an act relating to the employment of inmates and prisoners.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1989.

**COMMITTEE ON STATE GOVERNMENT**

**House File 209**, a bill for an act relating to the limitations on smoking in public places.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3309** March 7, 1989.

**Committee Bill** (Formerly House Study Bill 126), relating to research, review, and evaluation with respect to certain health-related legislative proposals, providing for contracting arrangements and a structure for organization and coordination, imposing fees, providing for the appropriation of funds, and providing other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1989.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 189), relating to recordkeeping, reporting, and delinquent registration penalties for motor vehicle registrations and certificates of title and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1989.

**Committee Bill** (Formerly House Study Bill 219), to modify the requirements for establishing an aviation authority.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 1989.

**Committee Bill** (Formerly House Study Bill 220), relating to the registration of aircraft.

Fiscal Note is required.

Recommended **Do Pass** March 7, 1989.

#### AMENDMENTS FILED

H-3306	H.F.	398	Brammer of Linn Doderer of Johnson Metcalf of Polk Bisignano of Polk Renken of Grundy
H-3309	H.F.	209	Committee on State Government
H-3310	S.F.	155	Brammer of Linn
H-3311	H.F.	248	Renken of Grundy
H-3313	H.F.	49	Stromer of Hancock
H-3314	H.F.	384	Kremer of Buchanan Fuller of Hardin
H-3316	S.F.	155	Brammer of Linn
H-3317	H.F.	49	Stromer of Hancock
H-3318	H.F.	49	Bennett of Ida
H-3319	H.F.	250	Renken of Grundy

On motion by Arnould of Scott, the House adjourned at 5:16 p.m., until 9:00 a.m., Thursday, March 9, 1989.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 9, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Perry De Groot, Bethany Reformed Church, Des Moines.

The Journal of Wednesday, March 8, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Trent of Muscatine, from thirty-seven constituents of the 56th District opposing House File 7 (repeal of the at-will employment doctrine), House File 17 (minimum wage increase), House File 29 (prohibits recovery of unemployment compensation overpayments), House File 49 (mandated benefits for part-time employees), House File 129 (parental leave) and House File 164 (mandatory health insurance).

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Haverland of Polk on request of Ollie of Clinton; Swartz of Marshall, until his arrival, on request of Sherzan of Polk.

## INTRODUCTION OF BILLS

**House File 536**, by committee on state government, a bill for an act relating to research, review, and evaluation with respect to certain health-related legislative proposals, providing for contracting arrangements and a structure for organization and coordination, imposing fees, providing for the appropriation of funds, and providing other properly related matters.

Read first time and placed on the **calendar**.

**House File 537**, by committee on transportation, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Read first time and placed on the **calendar**.

**House File 538**, by Black and Nielsen, a bill for an act prohibiting outdoor advertising of tobacco products.

Read first time and referred to committee on **human resources**.

**House File 539**, by Black, a bill for an act removing the department of public safety's vehicle theft unit from the division of highway safety and uniformed force to the division of criminal investigation and bureau of identification.

Read first time and referred to committee on **state government**.

**House File 540**, by Black, a bill for an act creating the division of vehicle identification within the department of public safety.

Read first time and referred to committee on **state government**.

**House File 541**, by Brown and Jesse, a bill for an act relating to the eligibility for benefits under the Iowa public employees' retirement system for members receiving disability benefits under social security.

Read first time and referred to committee on **state government**.

**House File 542**, by Beatty, a bill for an act relating to reprisals and orders with respect to certain disclosures of information and other actions by employees of the state and its political subdivisions, providing penalties, providing civil remedies, and providing properly related matters.

Read first time and referred to committee on **labor and industrial relations**.

**House File 543**, by Muhlbauer, a bill for an act providing for exemptions to application of rules relating to transportation of hazardous materials.

Read first time and referred to committee on **energy and environmental protection**.

**House File 544**, by Fey, a bill for an act excluding from income, for purposes of state and local government benefit or entitlement programs and the state individual income tax, proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

**House File 545**, by Fey, a bill for an act relating to the establishment and use of a special retail sales and use tax on obscene materials.

Read first time and referred to committee on **ways and means**.

**House File 546**, by Fey, a bill for an act relating to the rules adopted for fire exit signs in schools.

Read first time and referred to committee on **state government**.

**House File 547**, by Fuller, a bill for an act relating to the disposition of violations of the prohibition against operating a motor vehicle while intoxicated.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 548**, by Hanson of Delaware, a bill for an act relating to the development and delivery of a summary of rights and responsibilities of a person who applies for the involuntary commitment of another.

Read first time and referred to committee on **human resources**.

**House File 549**, by committee on economic development, a bill for an act relating to the agricultural product advisory council.

Read first time and placed on the **calendar**.

**House File 550**, by committee on economic development, a bill for an act relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs.

Read first time and placed on the **calendar**.

**House File 551**, by committee on transportation, a bill for an act to modify the requirements for establishing an aviation authority.

Read first time and placed on the **calendar**.

#### SPECIAL PRESENTATION

Continuing the observance of Women's History month, Nielsen of Linn presented to the House two members of the Iowa Women's Hall of Fame, the Honorable Minnette Doderer (elected in 1979) and Catherine Williams (elected in 1980).

The House rose and expressed its welcome.

#### 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 7, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 9, a concurrent resolution relating to the provision of health care coverage for all Americans who are uninsured.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 434**, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment, was taken up for consideration.

Hatch of Polk in the chair at 9:37 a.m.

### SENATE FILE 179 SUBSTITUTED FOR HOUSE FILE 434

Pavich of Pottawattamie asked and received unanimous consent to substitute Senate File 179 for House File 434.

**Senate File 179**, a bill for an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment, 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. 179)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.

Peterson, M. K.	Plasier	Poney	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Hatch		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Haverland            Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 170**, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates, was taken up for consideration.

Jochum of Dubuque offered the following amendment H-3299 filed by him:

H-3299

- 1 Amend Senate File 170, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 35 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 20.4, subsection 9, Code 1989,
- 6 is amended to read as follows:
- 7 9. Persons employed by the state department of
- 8 justice, except nonsupervisory employees of the
- 9 consumer advocate division who are employed primarily
- 10 for the purpose of performing technical analysis of
- 11 nonlegal issues."
- 12 2. Page 2, by striking lines 2 and 3, and insert-
- 13 ing the following:
- 14 "1. Except as provided in subsection 2 of this
- 15 section, this Act takes effect July 1, 1989."
- 16 3. By numbering and renumbering as necessary.

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H-3299, to Senate File 170, at 10:54 a.m., Connors of Polk in the chair.

(Amendment H—3299 to Senate File 170 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 10:55 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 170**, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors pursuant to contract, revising provisions relating to compensation, and providing effective dates, and amendment H—3299 found on page 708 of the House Journal.

Arnould of Scott asked and received unanimous consent that Senate File 170 be deferred and that the bill retain its place on the calendar.

(Amendment H—3299 pending.)

### INTRODUCTION OF BILLS

**House File 552**, by Groninga, a bill for an act relating to the consumer credit code, by providing for certain charges, amending the definition of debt collectors, requiring notification and the imposition of certain fees, appropriating funds collected, and providing an applicability date.

Read first time and referred to committee on **small business and commerce**.

**House File 553**, by Hanson of Delaware, a bill for an act relating to the maximum age under civil service for a police officer or fire fighter employed for police duty or the duty of fighting fires.

Read first time and referred to committee on **state government**.

**House File 554**, by Petersen of Muscatine, a bill for an act to allow the seller of farmland to a beginning farmer to exclude an amount of interest income or capital gain if certain conditions are met and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 555**, by Holveck, a bill for an act relating to the requirement of smoke detectors in all multiple-unit residential buildings and making a penalty applicable.

Read first time and referred to committee on **state government**.

**House File 556**, by Jay, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 557**, by Hanson of Delaware, a bill for an act prohibiting the falsification of public correspondence, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 558**, by Brammer, a bill for an act relating to the testing of certain peace officers.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 559**, by Peterson of Carroll, a bill for an act creating a family court, and providing for the appointment of judges, masters, and administrators and providing for the operation of the court.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 560**, by Doderer, a bill for an act prohibiting, in certain circumstances, the photographing or filming of a victim of a sexual offense during a criminal proceeding.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 561**, by Rosenberg, a bill for an act establishing an Iowa reforestation project.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**House File 562**, by Neuhauser, a bill for an act to prohibit an official or state agency employee from seeking and obtaining employment, for one year after terminating employment or service, from any person, firm, corporation which the official's or state employee's office or agency regulates or with which the office or agency does business.

Read first time and referred to committee on **state government**.

**House File 563**, by Holveck, a bill for an act relating to automobile liability insurance by regulating certain automobile insurance rates in connection with claims based upon uninsured, underinsured, or hit-and-run coverage.

Read first time and referred to committee on **small business and commerce**.

**House File 564**, by Siegrist, a bill for an act permitting persons to obtain a vision report from a licensed vision specialist in lieu of a vision test administered by motor vehicle license examiners.

Read first time and referred to committee on **transportation**.

**House File 565**, by Hibbard, a bill for an act regulating the installation of ignition interlock devices on certain motor vehicles as a condition of the issuance of a motor vehicle license.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 566**, by Doderer, a bill for an act requiring bicycles operating on highways to display a slow-moving vehicle reflector, and providing a penalty.

Read first time and referred to committee on **transportation**.

**House File 567**, by Gruhn, a bill for an act relating to the misappropriation of property, and making penalties applicable.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 568**, by Corbett and Spenner, a bill for an act establishing the offense of capital murder and imposing the penalties of death or life imprisonment for commission of such offense, and providing a procedure for the imposition and review of such penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 569**, by Holveck, a bill for an act relating to automobile liability insurance by altering the minimum proof of financial responsibility for motor vehicles, by mandating the inclusion of uninsured, hit-and-run, and underinsured motorist coverage in an automobile liability insurance policy, and by regulating certain automobile insurance rates.

Read first time and referred to committee on **small business and commerce.**

### 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.

### Regular Calendar

**House File 398**, a bill for an act relating to the Iowa comprehensive health insurance association, by modifying and regulating the composition of the association's board of directors, eliminating the agent's referral fee, providing for a uniform rate for coverage, reducing the lifetime benefit, prohibiting certain unfair discriminatory insurance practices regarding association policies, providing for review of the association's annual report, and requiring the insurance commissioner to study and submit a proposal regarding cost-containment procedures, was taken up for consideration.

Doderer of Johnson offered the following amendment H—3270 filed by Doderer, et al.:

H—3270

- 1 Amend House File 398 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "a" the following: "one of whom shall be a
- 4 representative from a corporation operating pursuant
- 5 to chapter 514 on the effective date of this Act or
- 6 any successors in interest, and one of whom shall be a
- 7 representative of an insurer providing coverage
- 8 pursuant to chapter 509 or 514A."

Brammer of Linn asked and received unanimous consent to withdraw amendment H—3306, to amendment H—3270, filed by Brammer, et al., on March 8, 1989.

Brammer of Linn offered the following amendment H—3328, to amendment H—3270, filed from the floor by Brammer, Doderer, Metcalf, Bisignano and Renken:

H—3328

- 1 Amend amendment, H—3270, to House File 398 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 8 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 1, by inserting before line 1, the
- 6 following:

7 "Section 1. Section 514E.1, subsection 2, Code  
8 1989, is amended to read as follows:

9 2. "Association policy" means an individual or  
10 group policy issued by the association that provides  
11 the coverage specified in section 514E.4."

12 \_\_\_\_\_. Page 1, by striking lines 4 through 9 and  
13 inserting the following: "of ~~not less than four nor~~  
14 ~~more than eight~~ members selected by the members of the  
15 association, ~~subject to approval by the commissioner~~  
16 ~~and a two of whom shall be representatives from~~  
17 corporations operating pursuant to chapter 514 on the  
18 effective date of this Act or any successors in  
19 interest, and two of whom shall be representatives of  
20 insurers providing coverage pursuant to chapter 509 or  
21 514A; ~~four public member members~~ selected by the  
22 commissioner governor; the commissioner or the  
23 commissioner's designee from the division of  
24 insurance; and two members of the general assembly,  
25 one of whom shall be appointed by the speaker of the  
26 house and one of whom shall be appointed by the senate  
27 majority leader, who shall be ex officio."

28 \_\_\_\_\_. Page 1, line 11 by inserting after the  
29 figure "69.16A." the following: "The governor's  
30 appointees shall be chosen from a broad cross-section  
31 of the residents of this state."

32 \_\_\_\_\_. Page 1, by striking lines 28 through 30 and  
33 inserting the following:

34 "e. Commencing January 1, 1990, establish rates  
35 which will be included within a maximum of five  
36 nongender bands."

37 \_\_\_\_\_. Page 2, by inserting after line 26 the  
38 following:

39 "Sec. \_\_\_\_\_. Section 514E.7, subsection 2, Code  
40 1989, is amended to read as follows:

41 2. A person is eligible to apply for an  
42 association policy only if that person has been  
43 rejected for similar health insurance coverage ~~or is~~  
44 ~~only offered health insurance coverage at a rate~~  
45 ~~exceeding the association rate.~~"

46 \_\_\_\_\_. Page 2, by striking lines 27 through 30.

47 \_\_\_\_\_. Title page, by striking lines 1 through 9  
48 and inserting the following: An Act relating to the  
49 Iowa comprehensive health insurance association, by  
50 amending the definition of association policy, by

## Page 2

1 modifying and regulating the composition of the  
2 association's board of directors, eliminating the  
3 agent's referral fee, providing for certain rates for  
4 coverage, reducing the lifetime benefit, prohibiting  
5 certain unfair discriminatory insurance practices

- 6 regarding association policies, providing for review  
 7 of the association's annual report, and modifying the  
 8 conditions of eligibility for an association policy." "
- 9 2. By renumbering as necessary.

The following amendment H—3332, to amendment H—3328, to amendment H—3270, filed by Brammer of Linn from the floor was adopted by unanimous consent:

H—3332

- 1 Amend the amendment H—3328, to House File 398  
 2 as follows:  
 3 1. Page 1, line 27, by inserting after the word  
 4 "officio" the words "and nonvoting".

On motion by Brammer of Linn, amendment H—3328, as amended, was adopted.

On motion by Doderer of Johnson, amendment H—3270, 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. 398)

The ayes were, 80:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Corbett	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 14:

Banks	Bennett	Branstad	De Groot
Eddie	Hermann	Maulsby	Pellett
Plasier	Royer	Schnekloth	Stromer
Stueland	Swartz		

Absent or not voting, 6:

Halvorson, R. N.	Haverland	Jesse	Kremer
Miller	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 404**, a bill for an act relating to the effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal, 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?" (H.F. 404)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Fogarty	Haverland	Jesse	Kremer
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House File 404)

Arnould of Scott asked and received unanimous consent that House File 404 be immediately messaged to the Senate.

**House File 71**, a bill for an act establishing pilot projects for a peer review court as a diversion program for offenders ten through seventeen years of age, with report of committee recommending passage 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. 71)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Fogarty	Haverland	Jesse
Kremer	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 250**, a bill for an act relating to violations of an individual's civil rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—3275 filed by the committee on judiciary and law enforcement:

H—3275

- 1 Amend House File 250 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting the following: "completed and data
- 4 collection shall commence no later than January 1,
- 5 1991."
- 6 2. Page 1, by striking line 17 and inserting the
- 7 following: "or who acts alone, to injure, oppress,".
- 8 3. Page 1, by striking lines 27 and 28 and
- 9 inserting the following: "a class "Ð C" felony.
- 10 "Intimidate" includes but is not limited to the
- 11 burning of crosses and other symbols."
- 12 4. Page 1, line 34, by striking the words "a
- 13 class "C" felony" and inserting the following: "an
- 14 aggravated misdemeanor".

Rosenberg of Story offered the following amendment H—3330, to the committee amendment H—3275, filed by him from the floor and moved its adoption:

H—3330

- 1 Amend amendment, H—3275, to House File 250 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 11 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 1, by striking lines 16 through 28 and
- 6 inserting the following:
- 7 "2. A person who conspires with another person or
- 8 persons, or who acts alone, to injure, oppress,
- 9 threaten, or intimidate or interfere with any citizen
- 10 in the free exercise or enjoyment of any right or

11 privilege secured to that person by the constitution  
 12 or laws of the state of Iowa or by the constitution or  
 13 laws of the United States, and assemblies with one or  
 14 more persons for the purpose of teaching or being  
 15 instructed in any technique or means capable of  
 16 causing property damage, bodily injury or death when  
 17 the person or persons intend to employ those  
 18 techniques or means in furtherance of the conspiracy,  
 19 is on conviction, guilty of a class "D" "C" felony.  
 20 "Intimidate" includes but is not limited to the  
 21 burning of crosses and other symbols. As used in this  
 22 subsection, "conspires" includes, but is not limited  
 23 to, the assembly of two or more persons for the  
 24 purpose of teaching or being instructed in any  
 25 technique or means capable of causing property damage,  
 26 bodily injury, or death."

Amendment H—3330 was adopted.

Stromer of Hancock asked and received unanimous consent to defer action on the committee amendment H—3275, as amended.

Renken of Grundy offered the following amendment H—3319 filed by him and moved its adoption:

H—3319

- 1 Amend House File 250 as follows:
- 2 1. Page 1, line 15, by inserting after the word
- 3 "affiliation," the following: "membership or
- 4 nonmembership in a labor union,".
- 5 2. Page 1, line 32, by inserting after the word
- 6 "affiliation," the following: "membership or
- 7 nonmembership in a labor union,".
- 8 3. Page 2, line 7, by inserting after the word
- 9 "affiliation," the following: "membership or
- 10 nonmembership in a labor union,".

Amendment H—3319 was adopted.

Arnould of Scott asked and received unanimous consent that House File 250 be deferred and that the bill retain its place on the calendar.

## BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 170**, a bill for an act relating to personnel serving the consumer advocate division of the department of justice and the utilities division of the department of commerce, deleting provisions relating to the consumer advocate's authority to utilize employees of the utilities division, expanding the authority to employ consultants and technical advisors

pursuant to contract, revising provisions relating to compensation, and providing effective dates, and amendment H—3299 found on page 708 of the House Journal.

On motion by Jochum of Dubuque, amendment H—3299 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?” (S.F. 170)

The ayes were, 76:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fuller	Garman
Groninga	Gruhn	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Plasier	Pony	Renaud	Renken
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

The nays were, 18:

Branstad	Carpenter	De Groot	Eddie
Halvorson, R. A.	Halvorson, R. N.	Harbor	Hermann
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Royer	Schneklath	Stromer
Tyrrell	Van Maanen		

Absent or not voting, 6:

Blanshan	Chapman	Fogarty	Haverland
Kremer	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 158**, a bill for an act relating to demolition insurance reserves for property in cities, was taken up for consideration.

Brown 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?" (S.F. 158)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Blanshan	Fogarty	Haverland	Kremer
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 448**, a bill for an act relating to the coverage of real estate agents under the workers' compensation law, 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?" (H.F. 448)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Blanshan	Branstad	Fogarty	Haverland
Kremer			

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 relating to the confidentiality of county general relief records, and providing a penalty for violations, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—3291 filed by the committee on local government and moved its adoption:

H—3291

- 1 Amend House File 324 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 22.7, Code 1989, is amended by

- 5 adding the following new subsection:  
 6 NEW SUBSECTION. 26. Applications, investigation  
 7 reports, and case records of persons applying for  
 8 county general relief pursuant to section 252.25.”  
 9 2. Page 1, by striking lines 10 through 26 and  
 10 inserting the following: “Examination of an  
 11 individual’s applications, reports, and records may  
 12 also be authorized by a signed release from the  
 13 individual.”  
 14 3. Title page, line 2, by striking the words  
 15 “providing a penalty for violations” and inserting the  
 16 following: “subjecting violators to a penalty”.  
 17 4. By renumbering as necessary.

The committee amendment H—3291 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. 324)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Blanshan                      Haverland                      Kremer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 202**, a bill for an act relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court, 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. 202)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Blanshan                      Haverland                      Holveck                      Kremer  
Schrader

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 250**, a bill for an act relating to violations of an individual's civil rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor civil rights violations, and providing a penalty, previously deferred.

The House resumed consideration of the committee amendment H—3275, as amended, found on page 717 of the House Journal.

Stromer of Hancock offered the following amendment H—3334, to the committee amendment H—3275, filed by him from the floor and moved its adoption:

H—3334

- 1 Amend the amendment, H—3275, to House File 250 as
- 2 follows:
- 3 1. Page 1, by inserting after line 11 the
- 4 following:
- 5 " \_\_\_\_\_ Page 1, by inserting after line 28, the
- 6 following:
- 7 A person who maliciously and intentionally
- 8 intimidates or interferes with the business or
- 9 contractual relations of another citizen because of
- 10 that citizen's race, color, religion, ancestry,
- 11 national origin, political affiliation, sex, sexual
- 12 orientation, age, or disability commits a simple
- 13 misdemeanor."
- 14 2. Title page, line 1, by inserting after the
- 15 word "rights," the following: "by prohibiting inter-
- 16 ference with the contractual or business relations of
- 17 another citizen,".
- 18 3. By renumbering as necessary.

Amendment H—3334 was adopted.

On motion by Rosenberg of Story, the committee amendment H—3275, as amended, 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. 250)

The ayes were, 78:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Brammer	Brand

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Lageschulte	Lykam	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 18:

Banks	Beaman	Branstad	Corbett
Daggett	Garman	Halvorson, R. A.	Harbor
Hermann	Lundby	Mausby	Miller
Renken	Royer	Schneklath	Swartz
Tyrrell	Van Maanen		

Absent or not voting, 4:

Blanshan	Haverland	Koenigs	Kremer
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE (House File 250)

Arnould of Scott asked and received unanimous consent that House File 250 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 3:30 p.m., until 4:30 p.m.

The House reconvened, Speaker Avenson in the chair.

### MOTION TO RECONSIDER (House File 448)

I move to reconsider the vote by which House File 448 passed the House on March 9, 1989.

LUNDBY of Linn

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 331 Local Government**

Relating to the establishment and financing of geographic data base systems by cities and counties.

**H.S.B. 332 Labor and Industrial Relations**

Relating to the second injury fund, by increasing payments to the fund in event of a job-related death, and providing an effective date.

**H.S.B. 333 State Government**

Relating to regulation, including the regulation of educational services and of practice professions.

**H.S.B. 334 State Government**

Relating to the powers and duties of the department of inspections and appeals, providing for compacts with Indian tribes relating to Indian gaming regulation, revising general provisions relating to confidentiality of information in the department of inspections and appeals, excepting Indian gaming from certain gaming prohibitions, and providing other properly related matters.

**H.S.B. 335 Transportation**

Allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

**H.S.B. 336 Agriculture**

Relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor.

**H.S.B. 337 Agriculture**

Relating to the powers and duties of the Iowa corn promotion board.

**H.S.B. 338 Agriculture**

Relating to administration and authority of the department of agriculture and land stewardship, by retitling administrative units, eliminating certain duties, and authorizing the department to engage in the sale, promotion, marketing, and exporting of agricultural products.

**H.S.B. 339 Natural Resources and Outdoor Recreation**

Prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty.

SUBCOMMITTEE ASSIGNMENTS

**House File 482**

Labor and Industrial Relations: Ollie, Chair; Connors and Hester.

**House File 486**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**House File 516**

Labor and Industrial Relations: Sherzan, Chair; Lykam and Miller.

**House File 525**

Energy and Environmental Protection: Rosenberg, Chair; May and McKean.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 327**

Energy and Environmental Protection: Hatch, Chair; Banks, Johnson, Lundby, McKean, Osterberg and Rosenberg.

**House Study Bill 321**

Agriculture: Gruhn, Chair; Bennett and Hibbard.

**House Study Bill 329**

Natural Resources and Outdoor Recreation: Black, Chair; Schrader and Tyrrell.

**House Study Bill 331**

Local Government: Connors, Chair; Bisignano and Diemer.

**House Study Bill 332**

Labor and Industrial Relations: Ollie, Chair; Chapman and Kistler.

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 59**, a bill for an act relating to the purchase and sale of grain, providing fees and a penalty, and providing effective and applicability dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3331** March 7, 1989.

COMMITTEE ON APPROPRIATIONS

**House File 429**, a bill for an act prohibiting modification of the supreme court's submission of its budget estimate for the judicial department, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Senate File 289**, a bill for an act making a supplemental appropriation to the department of general services and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 275), relating to the real estate investment power of state banks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 288), relating to the establishment of an Iowa foundation for international research to secure trade, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 117**, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3320** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 180), relating to involuntary hospitalization procedures applicable to the mentally ill and substance abusers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 351**, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Senate File 216**, a bill for an act relating to the issuance of cremation permits, providing reporting requirements, providing for the payment of costs, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3324** March 8, 1989.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 225**, a bill for an act relating to the hearing and determination of special exceptions to city and county zoning ordinances.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**House File 252**, a bill for an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Committee Bill** (Formerly House File 251), a bill for an act relating to the deliberations of a county civil service commission after a disciplinary hearing.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 252), relating to the use of county and municipal infractions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 271), relating to the payment for uniform citation and complaint forms.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 278), authorizing a city to seek a judgment against a property owner for improvements made to the property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

**Committee Bill** (Formerly House Study Bill 290), relating to civil service medical examinations and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 130**, a bill for an act relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Committee Bill** (Formerly House File 446), a bill for an act relating to health and

disability insurance and other third-party payor health and disability benefit providers, by prohibiting discrimination on the basis of sex or marital status in the issuance or operation of a policy, contract, or plan including the establishment of premium rates or other charges, and by making such discrimination an unfair and discriminatory practice under the jurisdiction of the civil rights commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 185**, a bill for an act relating to the hotel and motel tax and providing an exemption.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 1989.

**Committee Bill** (Formerly House File 55), a bill for an act excluding from income for purposes of the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 1989.

#### RESOLUTIONS FILED

**HCR 8**, by Metcalf and Hanson of Delaware, a concurrent resolution urging the United States Congress to pass legislation to reverse the 1967 supreme court decision, *National Bellas Hess vs. the Illinois Department of Revenue*, and allow states to collect state sales tax on out-of-state direct mail purchases.

Laid over under **Rule 25**.

**SCR 9**, by Lloyd Jones, a concurrent resolution relating to the provision of health case coverage for all Americans who are uninsured.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-3320	S.F.	117	Committee on Human Resources
H-3321	S.F.	155	Svoboda of Tama
H-3322	H.F.	49	Wise of Lee Neuhauser of Johnson
H-3323	S.F.	149	Spear of Lee
H-3324	S.F.	216	Committee on Judiciary and Law Enforcement
H-3325	H.F.	316	Van Maanen of Mahaska
H-3326	H.F.	316	Van Maanen of Mahaska
H-3327	H.F.	535	Daggett of Adams

H—3329	H.F.	535	Daggett of Adams
H—3331	H.F.	59	Committee on Agriculture
H—3335	H.F.	262	Corbett of Linn
			Tyrrell of Iowa
H—3336	H.F.	535	Spear of Lee

On motion by Arnould of Scott, the House adjourned at 4:42 p.m., until 9:00 a.m., Friday, March 10, 1989.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 10, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable William H. Harbor, state representative from Mills County.

The Journal of Thursday, March 9, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his arrival, on request of Diemer of Black Hawk; Stueland of Clinton on request of Eddie of Buena Vista; Haverland of Polk on request of Ollie of Clinton.

## INTRODUCTION OF BILLS

**House File 570**, by committee on transportation, a bill for an act relating to the registration of aircraft.

Read first time and placed on the **calendar**.

**House File 571**, by committee on local government, a bill for an act relating to the deliberations of a county civil service commission after a disciplinary hearing.

Read first time and placed on the **calendar**.

**House File 572**, by committee on local government, a bill for an act relating to the payment for uniform citation and complaint forms.

Read first time and placed on the **calendar**.

**House File 573**, by committee on local government, a bill for an act relating to civil service medical examinations and providing an effective date.

Read first time and placed on the **calendar**.

**House File 574**, by committee on small business and commerce, a bill for an act relating to health and disability insurance and other third-party payor health and disability benefit providers, by prohibiting discrimination on the basis of sex or marital status in the issuance or operation of a policy, contract, or plan including the establishment of premium rates or other charges, providing an applicability

date, and by making such discrimination an unfair and discriminatory practice under the jurisdiction of the civil rights commission.

Read first time and placed on the **calendar**.

**House File 575**, by committee on economic development, a bill for an act relating to the investment authority of state banks.

Read first time and placed on the **calendar**.

**House File 576**, by committee on local government, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property.

Read first time and placed on the **calendar**.

REFERRED TO COMMITTEE ON WAYS AND MEANS  
(House File 383)

The Speaker announced that **House File 383**, presently on the **regular calendar**, was referred to the committee on **ways and means**.

MOTION TO RECONSIDER WITHDRAWN  
(House Resolution 7)

Hermann of Scott asked and received **unanimous** consent to withdraw the motion to reconsider **House Resolution 7**, a resolution to amend the House code of ethics, filed by him on February 16, 1989.

RULES SUSPENDED

Arnould of Scott asked and received **unanimous** consent to suspend the rules for the immediate consideration of **House File 535**.

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 **House File 535** during today's debate.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 535**, a bill for an act relating to the financing of education programs of school districts and **area education** agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of **educational** excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, was taken up for consideration.

Stromer of Hancock offered the following amendment H—3338 filed by him from the floor and moved its adoption:

H—3338

- 1 Amend House File 535 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. 1987 Iowa Acts, chapter 224, section
- 5 81, is repealed."
- 6 2. Title page, by striking lines 2 through 7 and
- 7 inserting the following: "districts and area
- 8 education agencies."

Amendment H—3338 lost.

Stromer of Hancock offered the following amendment H—3339 filed by him from the floor and moved its adoption:

H—3339

- 1 Amend House File 535 as follows:
- 2 1. Page 2, line 1, by inserting after the word
- 3 "cost" the following: "and the semiannual
- 4 apportionment".

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—3339 lost.

Stromer of Hancock offered the following amendment H—3343 filed by him from the floor:

H—3343

- 1 Amend House File 535 as follows:
- 2 1. Page 20, line 1, by inserting after the word
- 3 "multiply" the following: "twice".
- 4 2. Page 20, line 5, by inserting after the word
- 5 "multiply" the following: "twice".

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3343.

Connors of Polk in the chair at 10:33 a.m.

Maulsby of Calhoun offered the following amendment H—3341 filed by him from the floor and moved its adoption:

H—3341

- 1 Amend House File 535 as follows:
- 2 1. Page 27, by striking lines 14 and 15 and

- 3 inserting the following: "calculated under this
- 4 chapter, exceed the property tax revenues".
- 5 2. By striking page 29, line 1, through page 31,
- 6 line 2.
- 7 3. By renumbering as necessary.

Amendment H—3341 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoning of Woodbury, for the remainder of the day, on request of Bennett of Ida.

Daggett of Adams offered the following amendment H—3329 filed by him:

H—3329

- 1 Amend House File 535 as follows:
- 2 1. Page 29, lines 4 and 5, by striking the words
- 3 "elect by resolution to receive" and inserting the
- 4 following: "call an election to vote on the
- 5 proposition whether to provide".
- 6 2. Page 29, by inserting after line 12 the
- 7 following:
- 8 "The board of directors shall direct the county
- 9 commissioner of elections to submit the question of
- 10 whether to participate in the instructional support
- 11 program to the qualified electors residing in the
- 12 district at a regular school election or special
- 13 election. If a majority of those voting on the
- 14 question favors participating in the instructional
- 15 support program, the board may certify the budget for
- 16 the program to the department of management for each
- 17 of the next five years.
- 18 If the voters do not approve participation in the
- 19 instructional support program, the board may resubmit
- 20 the proposition to the electors no sooner than sixty
- 21 days following the date of the election at which
- 22 approval was not obtained."
- 23 3. Page 29, line 13, by striking the word
- 24 "Certification" and inserting the following: "After
- 25 approval at an election, certification".
- 26 4. Page 30, line 1, by striking the words "for a
- 27 budget year" and inserting the following: "at an
- 28 election".
- 29 5. Page 30, by striking lines 16 through 33.
- 30 6. Page 31, by striking line 2 and inserting the
- 31 following: "section 257.18."

The House stood at ease at 11:01 a.m., until the fall of the gavel.

The House resumed session and the consideration of amendment H—3329 to House File 535 at 12:07 p.m. Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poncy of Wapello on request of Chapman of Linn; Knapp of Dubuque on request of Connolly of Dubuque, both for the remainder of the day; Gruhn of Dickinson on request of Osterberg of Linn.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

Daggett of Adams moved the adoption of amendment H—3329.

Roll call was requested by Daggett of Adams and Stromer of Hancock.

Rule 75 was invoked.

On the question "Shall amendment H—3329 be adopted?"  
(H.F. 535)

The ayes were, 41:

Banks	Beaman	Bennett	Black
Brand	Branstad	Clark	Corbett
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Hibbard	Jesse	Kistler	Koenigs
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Siegrist
Spenner	Stromer	Trent	Tyrrell
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Carpenter	Cohoon	Connolly	Connors
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Lykam	Muhlbaauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters

Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Avenson, Spkr.		

Absent or not voting, 9:

Chapman	Doderer	Gruhn	Haverland
Knapp	Kremer	Poncy	Shoning
Stueland			

Amendment H—3329 lost.

Spear of Lee offered amendment H—3336 filed by him and requested division as follows:

H—3336

1 Amend House File 535 as follows:

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2 1. Page 29, line 6, by inserting after the word  
 3 "years." the following: "However, the board of  
 4 directors may waive its authority to adopt the  
 5 instructional support program by resolution, or may  
 6 rescind its action to adopt the instructional support  
 7 program by resolution, and may call an election for  
 8 authority to adopt the instructional support program  
 9 for a five-year period using the election procedure  
 10 specified in section 257.19. Prior to making a  
 11 decision on the instructional support program, the  
 12 board shall hold a public hearing on the question."

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13 2. Page 29, line 16, by inserting after the word  
 14 "year." the following: "Funding for the instructional  
 15 support program shall be obtained from instructional  
 16 support state aid, and a combination of an  
 17 instructional support property tax and an  
 18 instructional support income surtax."

19 3. Page 29, by striking lines 17 through 19 and  
 20 inserting the following: "amount to be raised for the  
 21 instructional support program in the manner provided  
 22 in this section."

23 4. Page 29, line 20, by inserting after the word  
 24 "determine" the following: "the amount to be raised  
 25 by the combination of".

26 5. Page 29, line 21, by inserting after the word  
 27 "tax" the following: "and the instructional support  
 28 income surtax".

29 6. Page 29, line 31, by inserting after the word  
 30 "by" the following: "the combination of the".

31 7. Page 29, line 32, by inserting after the word

H-3336B

32 "tax" the following: "and the instructional support  
33 income surtax".

34 8. Page 30, by striking lines 11 through 13 and  
35 inserting the following:

36 "The combination of the instructional support  
37 property tax and instructional support income surtax  
38 shall be imposed in the proportion of a property tax  
39 of twenty-seven cents per thousand dollars of assessed  
40 valuation of taxable property in the district for each  
41 five percent of income surtax."

42 9. Page 30, by inserting before line 14 the  
43 following:

44 "Sec. \_\_\_\_\_. NEW SECTION. 257.18A COMPUTATION OF  
45 INSTRUCTIONAL SUPPORT AMOUNT.

46 The department of management shall establish the  
47 amount of instructional support property tax to be  
48 levied and the amount of instructional support income  
49 surtax to be imposed for each school year for which  
50 the instructional support amount is authorized. The

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1 department of management shall determine these amounts  
2 based upon the most recent figures available for the  
3 district's valuation of taxable property, individual  
4 state income tax paid, and budget enrollment in the  
5 district, and shall certify to the district's county  
6 auditor the amount of instructional support property  
7 tax, and to the director of revenue and finance the  
8 amount of instructional support income surtax to be  
9 imposed.

10 The instructional support income surtax shall be  
11 imposed on the state individual income tax for the  
12 calendar year during which the school's budget year  
13 begins, or for a taxpayer's fiscal year ending during  
14 the second half of that calendar year or the first  
15 half of the succeeding calendar year, and shall be  
16 imposed on all individuals residing in the school  
17 district on the last day of the applicable tax year.  
18 As used in this section, "state individual income tax"  
19 means the tax computed under section 422.5, less the  
20 deductions allowed in sections 422.10 through 422.12.

21 Sec. \_\_\_\_\_. NEW SECTION. 257.18B STATUTES  
22 APPLICABLE.

23 The director of revenue and finance shall  
24 administer the instructional support income surtax  
25 imposed under this chapter, and sections 422.20,  
26 422.22 to 422.31, 422.68, and 422.72 to 422.75 shall  
27 apply in respect to administration of the  
28 instructional support income surtax.

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29 Sec. \_\_\_\_\_. NEW SECTION. 257.18C FORM AND TIME OF  
30 RETURN.

31 The instructional support income surtax shall be  
32 made a part of the Iowa individual income tax return  
33 subject to the conditions and restrictions set forth  
34 in section 422.21.

35 Sec. \_\_\_\_\_. NEW SECTION. 257.18D DEPOSIT OF  
36 INSTRUCTIONAL SUPPORT INCOME SURTAX.

37 The director of revenue and finance shall deposit  
38 all moneys received as instructional support income  
39 surtax to the credit of each district from which the  
40 moneys are received, in an "instructional support  
41 income surtax fund" which is established in the office  
42 of the treasurer of state.

43 The director of revenue and finance shall deposit  
44 all instructional support income surtax moneys  
45 received on or before November 1 of the year following  
46 the close of the school budget year for which the  
47 surtax is imposed to the credit of each district from  
48 which the moneys are received in the instructional  
49 support income surtax fund. All instructional support  
50 income surtax moneys received or refunded after

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1 November 1 of the year following the close of the  
2 school budget year for which the surtax is imposed  
3 shall be deposited in or withdrawn from the general  
4 fund of the state and shall be considered part of the  
5 cost of administering the instructional support income  
6 surtax.

7 Sec. \_\_\_\_\_. NEW SECTION. 257.18E INSTRUCTIONAL  
8 SUPPORT INCOME SURTAX CERTIFICATION.

9 On or before October 20 each year, the director of  
10 revenue and finance shall make an accounting of the  
11 instructional support income surtax collected under  
12 this chapter applicable to tax returns for the last  
13 preceding calendar year, or for fiscal year taxpayers,  
14 on the last day of their tax year ending during that  
15 calendar year and after the date of the election  
16 approving the surtax, from taxpayers in each school  
17 district in the state which has approved the  
18 instructional support program, and shall certify to  
19 the department of management and the department of  
20 education the amount of total instructional support  
21 income surtax credited from the taxpayers of each  
22 school district. Additional returns in process, if  
23 any, at the time of certification shall be completed  
24 and the additional amount of instructional support  
25 income surtax reported to the department of management  
26 for distribution back to the school district with the

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27 first installment of the following school year.  
 28 Sec. \_\_\_\_\_. NEW SECTION. 257.18F INSTRUCTIONAL  
 29 SUPPORT INCOME SURTAX DISTRIBUTION.  
 30 The director of revenue and finance shall draw  
 31 warrants in payment of the amount of surtax payable to  
 32 each of the school districts in two installments to be  
 33 paid on approximately the first day of December and  
 34 the first day of February, and shall cause the  
 35 warrants to be delivered to the respective school  
 36 districts.”

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37 10. Page 30, line 18, by striking the word  
 38 “provided” and inserting the following: “approved by  
 39 the board”.  
 40 11. Page 30, line 25, by inserting after the word  
 41 “election” the following: “held not later than  
 42 December 1”.  
 43 12. By renumbering as necessary.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3336A.

Spear of Lee asked and received unanimous consent to defer action on amendment H—3336B.

Koenigs of Mitchell in the chair at 12:26 p.m.

Stromer of Hancock offered the following amendment H—3340 filed by him from the floor and moved its adoption:

H—3340

1 Amend House File 535 as follows:  
 2 1. Page 33, by striking line 18.

Amendment H—3340 was adopted.

Maulsby of Calhoun offered the following amendment H—3342 filed by him from the floor and moved its adoption:

H—3342

1 Amend House File 535 as follows:  
 2 1. By striking page 51, line 17, through page 52,  
 3 line 3.  
 4 2. Page 53, by striking lines 2 through 16.  
 5 3. By striking page 54, line 34, through page 55,  
 6 line 27.  
 7 4. Page 58, line 9, by striking the words  
 8 “physical plant and equipment” and inserting the  
 9 following: “site levy, schoolhouse”.

- 10 5. By striking page 68, line 30, through page 69,  
11 line 8.  
12 6. Page 70, by striking lines 9 through 27.  
13 7. By striking page 74, line 19, through page 76,  
14 line 24.  
15 8. By striking page 76, line 34, through page 79,  
16 line 25.  
17 9. Page 80, by striking lines 9 through 22.  
18 10. Page 85, line 30, by striking the figure  
19 "297.5".  
20 11. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 32, nays 48.

Amendment H—3342 lost.

Stromer of Hancock offered the following amendment H—3344 filed by him from the floor and moved its adoption:

H—3344

- 1 Amend House File 535 as follows:  
2 1. By striking page 56, line 15 through page 57,  
3 line 7.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—3344 be adopted?"  
(H.F. 535)

The ayes were, 42:

Banks	Beaman	Bennett	Bisignano
Branstad	Carpenter	Clark	Connors
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hibbard	Kistler	Lageschulte	Lundby
Maulsby	McKean	McKinney	Mertz
Metcalf	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schneklath	Siegrist
Spenner	Stromer	Svoboda	Trent
Tyrrell	Van Maanen		

The nays were, 44:

Adams	Arnould	Avenson, Spkr.	Beatty
Black	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Dvorsky	Fey	Fuller	Hammond
Hansen, S. D.	Harper	Hatch	Holveck

Jay	Jesse	Jochum	Johnson
Lykam	May	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Spear
Tabor	Teaford	Wise	Koenigs Presiding

Absent or not voting, 14:

Brammer	Doderer	Groninga	Gruhn
Halvorson, R. N.	Haverland	Knapp	Kremer
Miller	Poncy	Shoning	Shultz
Stueland	Swartz		

Amendment H—3344 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Webster, until his return, on request of Jay of Appanoose.

Daggett of Adams asked and received unanimous consent to withdraw amendment H—3327 filed by him on March 9, 1989.

Maulsby of Calhoun offered the following amendment H—3346 filed by him from the floor and moved its adoption:

H—3346

- 1 Amend House File 535 as follows:
- 2 1. Page 85, by inserting after line 27 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. The legislative council shall appoint
- 5 an interim committee to study the concept of a
- 6 "circuit breaker" to provide relief for residents of
- 7 school districts whose property tax payments exceed a
- 8 certain percent of their incomes. The interim
- 9 committee shall submit a final report to the
- 10 legislative council and general assembly by January
- 11 15, 1990."

Roll call was requested by Maulsby of Calhoun and Carpenter of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—3346 be adopted?"  
(H.F. 535)

The ayes were, 43:

Banks	Beaman	Bennett	Blanshan
Brand	Branstad	Carpenter	Clark

Corbett	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hibbard
Kistler	Lundby	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Osterberg	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Siegrist	Spenner	Stromer	Svoboda
Trent	Tyrrell	Van Maanen	

The nays were, 46:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Diemer	Dvorsky	Fey
Fuller	Hammond	Hansen, S. D.	Harper
Hatch	Holveck	Jay	Jesse
Jochum	Johnson	Lykam	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Wise	Koenigs		
	Presiding		

Absent or not voting, 11:

Doderer	Groninga	Gruhn	Halvorson, R. N.
Haverland	Knapp	Kremer	Lageschulte
Poncy	Shoning	Stueland	

Amendment H—3346 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer, for the remainder of the day, on request of Spenner of Henry.

Daggett of Adams offered the following amendment H—3345 filed by him from the floor:

H—3345

- 1 Amend House File 535 as follows:
- 2 1. Page 1, line 4, by striking the figure "1991"
- 3 and inserting the following: "1990".
- 4 2. Page 1, line 13, by striking the figure "1991"
- 5 and inserting the following: "1990".
- 6 3. Page 1, lines 14 and 15, by striking the words
- 7 "eighty-three and twenty-five" and inserting the
- 8 following: "eighty-two and seventy-five".
- 9 4. Page 1, line 20, by striking the figure "1991"

- 10 and inserting the following: "1990".
- 11 5. Page 1, line 21, by striking the words
- 12 "eighty-three and twenty-five" and inserting the
- 13 following: "eighty-two and seventy-five".
- 14 6. Page 3, line 4, by striking the figure "1991"
- 15 and inserting the following: "1990".
- 16 7. Page 3, line 23, by striking the figure "1991"
- 17 and inserting the following: "1990".
- 18 8. Page 5, line 19, by striking the figure "1991"
- 19 and inserting the following: "1990".
- 20 9. Page 8, line 2, by striking the figures "1991-
- 21 1992" and inserting the following: "1990-1991".
- 22 10. Page 8, line 6, by striking the word "five"
- 23 and inserting the following: "ten".
- 24 11. Page 8, line 8, by striking the figure
- 25 "ninety-five" and inserting the following: "ninety".
- 26 12. Page 8, line 16, by striking the figures
- 27 "1992-1993" and inserting the following: "1991-1992".
- 28 13. Page 8, line 20, by striking the word "five"
- 29 and inserting the following: "ten".
- 30 14. Page 8, line 22, by striking the word
- 31 "ninety-five" and inserting the following: "ninety".
- 32 15. Page 9, line 21, by striking the figure
- 33 "1990" and inserting the following: "1989".
- 34 16. Page 9, line 23, by striking the figure
- 35 "1991" and inserting the following: "1990".
- 36 17. Page 9, line 31, by striking the figure
- 37 "1991" and inserting the following: "1990".
- 38 18. Page 12, line 5, by striking the figure
- 39 "1990" and inserting the following: "1989".
- 40 19. Page 13, line 1, by striking the figures
- 41 "1991-1992" and inserting the following: "1990-1991".
- 42 20. Page 14, line 8, by striking the figures
- 43 "1992-1993" and inserting the following: "1991-1992".
- 44 21. Page 14, line 9, by striking the figure
- 45 "1992" and inserting the following: "1991".
- 46 22. Page 14, line 15, by striking the word "five"
- 47 and inserting the following: "twenty".
- 48 23. Page 14, line 16, by striking the figure
- 49 "1986" and inserting the following: "1987".
- 50 24. Page 14, line 17, by striking the word

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- 1 "ninety-five" and inserting the following: "eighty".
- 2 25. Page 14, line 18, by striking the figure
- 3 "1989" and inserting the following: "1988".
- 4 26. Page 14, line 19, by striking the figure
- 5 "1990" and inserting the following: "1989".
- 6 27. Page 15, line 2, by striking the figures
- 7 "1993-1994" and inserting the following: "1992-1993".
- 8 28. Page 15, line 3, by striking the figure

- 9 "1993" and inserting the following: "1992".
- 10 29. Page 15, line 9, by striking the figure
- 11 "1991" and inserting the following: "1990".
- 12 30. Page 15, line 18, by striking the figures
- 13 "1994-1995" and inserting the following: "1993-1994".
- 14 31. Page 15, line 19, by striking the figure
- 15 "1994" and inserting the following: "1993".
- 16 32. Page 15, line 25, by striking the figures
- 17 "1991-1992" and inserting the following: "1990-1991".
- 18 33. Page 15, line 25, by striking the figure
- 19 "1991" and inserting the following: "1990".
- 20 34. Page 16, line 2, by striking the figures
- 21 "1992-1993" and inserting the following: "1991-1992".
- 22 35. Page 16, line 2, by striking the figure
- 23 "1992" and inserting the following: "1991".
- 24 36. Page 16, line 14, by striking the figures
- 25 "1993-1994" and inserting the following: "1992-1993".
- 26 37. Page 16, line 14, by striking the figure
- 27 "1993" and inserting the following: "1992".
- 28 38. Page 16, line 26, by striking the figures
- 29 "1994-1995" and inserting the following: "1993-1994".
- 30 39. Page 16, line 27, by striking the figure
- 31 "1994" and inserting the following: "1993".
- 32 40. Page 17, line 4, by striking the figures
- 33 "1991-1992" and inserting the following: "1990-1991".
- 34 41. Page 17, line 5, by striking the figure
- 35 "1991" and inserting the following: "1990".
- 36 42. Page 17, line 25, by striking the figure
- 37 "1991" and inserting the following: "1990".
- 38 43. Page 18, line 5, by striking the figures
- 39 "1992-1993" and inserting the following: "1991-1992".
- 40 44. Page 18, line 6, by striking the figure
- 41 "1992" and inserting the following: "1991".
- 42 45. Page 18, line 10, by striking the word "five"
- 43 and inserting the following: "twenty".
- 44 46. Page 18, line 11, by striking the figure
- 45 "1986" and inserting the following: "1987".
- 46 47. Page 18, line 12, by striking the word
- 47 "ninety-five" and inserting the following: "eighty".
- 48 48. Page 18, line 13, by striking the figure
- 49 "1989" and inserting the following: "1988".
- 50 49. Page 18, line 14, by striking the figure

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- 1 "1990" and inserting the following: "1989".
- 2 50. Page 18, line 17, by striking the figure
- 3 "1992" and inserting the following: "1991".
- 4 51. Page 19, line 3, by striking the figures
- 5 "1993-1994" and inserting the following: "1992-1993".
- 6 52. Page 19, line 4, by striking the figure
- 7 "1993" and inserting the following: "1992".

- 8 53. Page 19, line 9, by striking the figure  
9 "1991" and inserting the following: "1990".
- 10 54. Page 19, line 12, by striking the figure  
11 "1993" and inserting the following: "1992".
- 12 55. Page 19, line 23, by striking the figures  
13 "1994-1995" and inserting the following: "1993-1994".
- 14 56. Page 19, line 25, by striking the figure  
15 "1994" and inserting the following: "1993".
- 16 57. Page 20, line 11, by striking the figures  
17 "1991-1992" and inserting the following: "1990-1991".
- 18 58. Page 20, line 12, by striking the figure  
19 "1991" and inserting the following: "1990".
- 20 59. Page 20, line 24, by striking the figures  
21 "1992-1993" and inserting the following: "1991-1992".
- 22 60. Page 20, line 25, by striking the figure  
23 "1992" and inserting the following: "1991".
- 24 61. Page 21, line 2, by striking the figures  
25 "1993-1994" and inserting the following: "1992-1993".
- 26 62. Page 21, line 3, by striking the figure  
27 "1993" and inserting the following: "1992".
- 28 63. Page 21, line 15, by striking the figures  
29 "1994-1995" and inserting the following: "1993-1994".
- 30 64. Page 21, line 16, by striking the figure  
31 "1994" and inserting the following: "1993".
- 32 65. Page 23, line 21, by striking the figure  
33 "1991" and inserting the following: "1990".
- 34 66. Page 23, line 21, by striking the figure  
35 "1993" and inserting the following: "1992".
- 36 67. Page 23, line 33, by striking the figure  
37 "1991" and inserting the following: "1990".
- 38 68. Page 23, line 33, by striking the figure  
39 "1994" and inserting the following: "1993".
- 40 69. Page 26, line 12, by striking the figure  
41 "1991" and inserting the following: "1990".
- 42 70. Page 26, line 12, by striking the figure  
43 "1992" and inserting the following: "1991".
- 44 71. Page 26, line 13, by striking the figure  
45 "1993" and inserting the following: "1992".
- 46 72. Page 26, line 21, by striking the figure  
47 "1991" and inserting the following: "1990".
- 48 73. Page 26, line 27, by striking the figure  
49 "1991" and inserting the following: "1990".
- 50 74. Page 26, line 34, by striking the figures

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- 1 "1991-1992" and inserting the following: "1990-1991".
- 2 75. Page 26, line 34, by striking the figures  
3 "1992-1993" and inserting the following: "1991-1992".
- 4 76. Page 26, line 35, by striking the figures  
5 "1993-1994" and inserting the following: "1992-1993".
- 6 77. Page 27, line 1, by striking the figure

- 7 "1991" and inserting the following: "1990".  
8 78. Page 27, line 1, by striking the figure  
9 "1992" and inserting the following: "1991".  
10 79. Page 27, line 1, by striking the figure  
11 "1993" and inserting the following: "1992".  
12 80. Page 27, line 22, by striking the figures  
13 "1994-1995" and inserting the following: "1993-1994".  
14 81. Page 27, line 23, by striking the figure  
15 "1994" and inserting the following: "1993".  
16 82. Page 32, line 13, by striking the figure  
17 "1992" and inserting the following: "1991".  
18 83. Page 40, line 16, by striking the figure  
19 "1990" and inserting the following: "1989".  
20 84. Page 41, line 3, by striking the figure  
21 "1990" and inserting the following: "1989".  
22 85. Page 45, line 18, by striking the figure  
23 "1991" and inserting the following: "1990".  
24 86. Page 45, line 18, by striking the figure  
25 "1992" and inserting the following: "1991".  
26 87. Page 45, line 18, by striking the figure  
27 "1993" and inserting the following: "1992".  
28 88. Page 64, line 2, by striking the figure  
29 "1990" and inserting the following: "1989".  
30 89. Page 78, line 11, by striking the figure  
31 "1991" and inserting the following: "1990".  
32 90. Page 81, line 10, by striking the figure  
33 "1991" and inserting the following: "1990".  
34 91. Page 85, line 8, by striking the figure  
35 "1991" and inserting the following: "1990".  
36 92. Page 85, by striking lines 13 through 27.  
37 93. Page 85, line 28, by striking the words and  
38 figures "Chapter 260A, Code 1989, is" and inserting  
39 the following: "Chapters 260A and 442, Code 1989,  
40 are".  
41 94. Page 85, line 29, by striking the figure  
42 "1991" and inserting the following: "1990".  
43 95. Page 85, by inserting after line 29 the  
44 following:  
45 "Sec. \_\_\_\_\_. 1987 Iowa Acts, chapter 224, section  
46 81, is repealed effective July 1, 1989."  
47 96. Page 85, line 31, by striking the figure  
48 "1991" and inserting the following: "1990".  
49 97. Page 85, line 34, by striking the word and  
50 figures "84, and 103" and inserting the following:

**Page 5**

- 1 "and 84".  
2 98. Page 85, line 35, by striking the figure  
3 "1990" and inserting the following: "1989".  
4 99. Page 86, line 3, by striking the figure  
5 "1990" and inserting the following: "1989".

- 6 100. Page 86, line 6, by striking the figure  
 7 "1991" and inserting the following: "1990".  
 8 101. Page 86, line 9, by striking the figure  
 9 "1991" and inserting the following: "1990".  
 10 102. By renumbering as necessary.

Speaker Avenson in the chair at 1:48 p.m.

Daggett of Adams moved the adoption of amendment H—3345.

A non-record roll call was requested.

The ayes were 31, nays 42.

Amendment H—3345 lost.

Ollie of Clinton offered amendment H—3351 filed from the floor by him and Daggett of Adams. Division was requested as follows:

H—3351

- 1 Amend House File 535 as follows:

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- 2 1. Page 1, line 12, by inserting after the word  
 3 "less." the following: "However, if the amount of  
 4 foundation aid received by a school district under  
 5 this chapter is less than three hundred dollars per  
 6 pupil, the district is entitled to receive three  
 7 hundred dollars per pupil unless the receipt of three  
 8 hundred dollars per pupil plus the per pupil amount  
 9 raised by the foundation property tax exceeds the  
 10 district cost per pupil of the district for the budget  
 11 year. In which case, the district is entitled to  
 12 receive an amount per pupil equal to the difference  
 13 between the per pupil amount raised by the foundation  
 14 property tax for the budget year and the district cost  
 15 per pupil for the budget year."  
 16 2. Page 3, line 7, by striking the word "forty"  
 17 and inserting the following: "ninety".  
 18 3. Page 3, line 16, by striking the word "forty"  
 19 and inserting the following: "ninety".  
 20 4. Page 3, line 18, by striking the word "twenty"  
 21 and inserting the following: "ten".  
 22 5. Page 3, line 26, by striking the word "this"  
 23 and inserting the following: "that".  
 24 6. Page 4, line 21, by striking the figure "1986"  
 25 and inserting the following: "1991".  
 26 7. Page 4, line 26, by striking the word and  
 27 figure "1987 or".  
 28 8. Page 4, line 33, by inserting after the word  
 29 "to" the following: "one-half the difference  
 30 between".

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31 9. Page 4, line 34, by inserting after the word  
32 "reorganization" the following: "and the rate that  
33 will be levied for the budget year".

34 10. Page 5, line 3, by inserting after the word  
35 "to" the following: "one-half".

36 11. Page 5, line 19, by striking the figure  
37 "442.9" and inserting the following: "442.9A".

38 12. Page 5, line 20, by striking the words "same  
39 amount" and inserting the following: "amount  
40 provided".

41 13. Page 5, line 21, by striking the word "this"  
42 and inserting the following: "that".

43 14. Page 5, by striking line 22 and inserting the  
44 following: "specified in that section".

## H-3351B

45 15. By striking page 9, line 20, through page 12,  
46 line 17, and inserting the following:

47 "1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On  
48 or before September 15, of each year, the department  
49 of management shall compute a state percent of growth  
50 for the next budget year.

**Page 2**

1 2. BUDGET YEAR CALCULATION. For the budget year,  
2 the state percent of growth is an average of the  
3 following four percents of growth in paragraphs "a"  
4 and "b" except as otherwise provided in subsection 3:

5 a. The difference in the percents of change in  
6 receipts of state general fund revenues, computed or  
7 estimated by the state revenue estimating conference  
8 created in section 8.22A as follows:

9 (1) The percent of change between the revenues  
10 received during the second year preceding the base  
11 year and the revenues received during the year  
12 preceding the base year.

13 (2) The percent of change between the revenues  
14 received during the year preceding the base year and  
15 the revenues received during the base year.

16 For the purpose of this lettered paragraph,  
17 receipts of state general fund revenues do not include  
18 one-time nonrecurring receipts or receipts that are  
19 accounting transactions made to meet the requirements  
20 of 1986 Iowa Acts, chapter 1238, section 59.

21 b. The difference in the gross national product  
22 implicit price deflators, based to the extent possible  
23 on the latest available values for these deflators,  
24 published by the bureau of economic analysis, United  
25 States department of commerce, computed or estimated

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26 as a percent of change as follows:

27 (1) From the value for the year ending December 31  
28 eighteen months before the beginning of the base year  
29 to the value for the year ending December 31 six  
30 months before the beginning of the base year.

31 (2) From the value for the year ending December 31  
32 six months before the beginning of the base year to  
33 the value for the year ending December 31 in the base  
34 year.

35 3. EXCEPTION. If the average of the percents  
36 computed or estimated under paragraph "b" of  
37 subsection 2 exceeds the average of the percents  
38 computed or estimated under paragraph "a" of  
39 subsection 2, the state percent of growth for that  
40 budget year shall be the average of the two percents  
41 of growth computed or estimated under paragraph "a".

42 4. NEGATIVE PERCENT. If the state percent of  
43 growth computed for a budget year is negative, that  
44 percent shall not be used and the state percent of  
45 growth shall be zero.

46 5. RECOMPUTATION. On or before September 15 of  
47 the base year, the department of management shall  
48 recompute the state percent of growth for the previous  
49 year using adjusted estimates and the actual figures  
50 available. The difference between the recomputed

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1 state percent of growth for the previous year and the  
2 original computation shall be added to or subtracted  
3 from the state percent of growth for the budget year.  
4 However, on or before September 15, 1990, the  
5 department of management shall recompute the state  
6 percent of growth for the previous year in the manner  
7 provided in section 442.7, Code 1989.

8 With regard to values of gross national product  
9 implicit price deflators, the recomputation of the  
10 state percent of growth for the previous year shall be  
11 made only with respect to the value of the deflator  
12 for the year which occurred subsequent to the  
13 calculation of the state percent of growth for the  
14 previous year. If subsection 3 is used in the  
15 calculation of the state percent of growth for the  
16 previous year, the calculation made in subsection 2,  
17 paragraph "b", shall not be used in the recomputation  
18 of the state percent of growth for the previous year."

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19 16. Page 23, line 21, by striking the words and  
20 figures "through July 1, 1993" and inserting the

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21 following: "and July 1, 1992".  
22 17. Page 23, line 33, by striking the figure  
23 "1994" and inserting the following: "1993".  
24 18. Page 24, line 13, by striking the word  
25 "fifteen" and inserting the following: "seven and  
26 one-half".  
27 19. Page 24, line 16, by striking the word  
28 "twenty-five" and inserting the following: "twelve  
29 and one-half".  
30 20. Page 24, line 33, by striking the word "one-  
31 hundredth" and inserting the following: "one-  
32 thousandth".  
33 21. Page 24, lines 33 and 34, by striking the  
34 words "so that, to" and inserting the following: ".  
35 To".  
36 22. Page 24, line 35, by striking the word "will"  
37 and inserting the following: "shall".  
38 23. Page 25, line 1, by striking the word "five-  
39 hundredths" and inserting the following: "twenty-five  
40 thousandths".  
41 24. Page 26, line 12, by inserting after the  
42 figure "1991," the following: "and".  
43 25. Page 26, line 13, by striking the words and  
44 figures "and July 1, 1993,".  
45 26. Page 33, by inserting after line 17 the  
46 following:  
47 "\_\_\_\_\_. Unusual need to continue providing a program  
48 or other special assistance to non-English-speaking  
49 pupils after the expiration of the three-year period  
50 specified in section 280.4."

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1 27. Page 33, by inserting after line 18 the  
2 following:  
3 "\_\_\_\_\_. The committee may grant transportation  
4 assistance aid to a school district from funds  
5 appropriated in this subsection for the purpose of  
6 providing additional funds for a budget year to school  
7 districts that have costs for mandatory school  
8 transportation based upon the cost per pupil  
9 transported that exceed one hundred ten percent of the  
10 state average cost of mandatory school transportation  
11 based upon the cost per pupil transported. School  
12 districts shall submit to the department of education  
13 the cost of providing mandatory school transportation  
14 in their transportation report filed by July 15 after  
15 each school year. The committee shall prioritize the  
16 requests of school districts ranking the districts by  
17 their mandatory transportation costs based upon the  
18 costs per pupil transported with consideration given

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19 to the geographic size of the district. Within the  
 20 limits of the funds appropriated in this subsection,  
 21 the committee shall pay transportation assistance to  
 22 those districts ranked in the highest priority based  
 23 upon the criteria listed in this subsection. The  
 24 committee shall adopt rules under chapter 17A  
 25 establishing a procedure for prioritizing requests.  
 26 Transportation assistance payments are equal to the  
 27 amount that each district's cost of mandatory  
 28 transportation based upon the cost per pupil  
 29 transported exceeds one hundred ten percent of the  
 30 state average cost of transportation based upon the  
 31 cost per pupil transported multiplied by the  
 32 district's basic enrollment for the budget year.  
 33 Payment for a school year shall be made by September 1  
 34 after each school year.

35 School districts shall also submit in their  
 36 transportation report long-term plans to reduce their  
 37 transportation costs. The long-term plans may  
 38 include, but are not limited to, more efficient use of  
 39 transportation resources, consolidation of  
 40 transportation systems, or contracting with regional  
 41 municipal or private transit systems. The school  
 42 budget review committee shall review the long-range  
 43 plans and make recommendations concerning reducing  
 44 transportation costs to the school districts.

45 There is appropriated from the general fund of the  
 46 state to the department of education for the use of  
 47 the school budget review committee, for each fiscal  
 48 year, the amount of three million five hundred  
 49 thousand dollars, or as much thereof as may be  
 50 necessary, to pay the transportation assistance to

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1 school districts ranked in the highest priority under  
 2 this subsection."

3 28. Page 33, by striking lines 19 through 33 and  
 4 inserting the following:

5 "\_\_\_\_\_. The committee may grant supplemental aid to  
 6 a school district from funds appropriated in this  
 7 subsection for the purpose of providing additional  
 8 funds for a budget year to school districts that have  
 9 unique needs and additional costs due to the  
 10 demographics of the district. Districts requesting  
 11 supplemental aid under this subsection shall document  
 12 expenses incurred that cannot be funded under sections  
 13 257.1 through 257.19.

14 There is appropriated from the general fund of the  
 15 state for each fiscal year to the department of educa-  
 16 tion for the use of the school budget review

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17 committee, the amount of three million five hundred  
18 thousand dollars, or as much thereof as may be  
19 necessary, to pay supplemental aid under this  
20 section."

21 29. By striking page 40, line 14, through page  
22 41, line 21, and inserting the following:

23 "1. The total amount funded in each area for media  
24 services in the budget year is equal to nine-tenths  
25 percent of the state cost per pupil for the budget  
26 year multiplied by the enrollment served in the area  
27 for the budget year. Thirty percent of the budget of  
28 an area for media services shall be expended for media  
29 resource material which shall only be used for the  
30 purchase or replacement of material required in  
31 section 273.6, subsection 1, paragraphs "a", "b", and  
32 "c". Funds shall be paid to area education agencies  
33 as provided in section 257.25. The costs shall be  
34 allocated to school districts in the area based upon  
35 the proportion of the enrollment served that resides  
36 in the district.

37 2. The total amount funded in each area for  
38 educational services in the budget year is equal to  
39 one percent of the state cost per pupil for the budget  
40 year multiplied by the enrollment served in the area  
41 for the budget year. Funds shall be paid to area  
42 education agencies as provided in section 257.25. The  
43 costs shall be allocated to school districts in the  
44 area based upon the proportion of the enrollment  
45 served that resides in the district."

46 30. Page 48, lines 20 and 21, by striking the  
47 word and figure "November 10" and inserting the  
48 following: "November 10 February 1".

49 31. Page 48, line 24, by striking the word and  
50 figure "December 1" and inserting the following:

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1 "December 1 February 15".

2 32. Page 48, line 27, by striking the word and  
3 figure "January 1" and inserting the following:

4 "January 1 before March 1".

5 33. Page 48, by inserting after line 30 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 273.5, subsection 6, Code 1989,  
8 is amended to read as follows:

9 6. Submit to the department of education special  
10 education instructional and support program plans and  
11 applications, subject to criteria listed in chapter  
12 281 and this chapter, for approval by November 1  
13 February 15 of each year for the school year  
14 commencing the following July 1."

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15 34. Page 53, by inserting after line 16 the  
 16 following:  
 17 "Sec. \_\_\_\_\_. Section 275.31, unnumbered paragraph 1,  
 18 Code 1989, is amended to read as follows:  
 19 If necessary to equalize the division and  
 20 distribution, the board or boards may provide for the  
 21 levy of additional taxes, which shall be sufficient to  
 22 satisfy the mandatory levy required in section 76.2 or  
 23 other liabilities of the districts, upon the property  
 24 of a corporation or part of a corporation and for the  
 25 distribution of the tax revenues so as to effect  
 26 equalization. When the board or boards are  
 27 considering the equalization levy, the division and  
 28 distribution shall not impair the security for  
 29 outstanding obligations of each affected corporation.  
 30 Any owner of bonds of an affected corporation may  
 31 bring suit in equity for adjustment of the division  
 32 and distribution in compliance with this section. If  
 33 the property tax levy for the amount estimated and  
 34 certified to apply on principal and interest on lawful  
 35 bonded indebtedness for a newly formed community  
 36 school district is greater than the property tax levy  
 37 for the amount estimated and certified to apply on  
 38 principal and interest in the year preceding the  
 39 reorganization or dissolution for a school district  
 40 that is a party to the reorganization or dissolution,  
 41 and that had a certified enrollment of less than six  
 42 hundred for the year prior to the reorganization or  
 43 dissolution, the board of the newly formed district  
 44 shall inform the department of management. The  
 45 department of management shall pay debt service aid to  
 46 the newly formed district in an amount equal to one-  
 47 half the amount that will would reduce the rate of the  
 48 property tax levy for lawful bonded indebtedness in  
 49 the portion of the newly formed district where the new  
 50 rate is higher, to the rate that was levied in that

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1 portion of the district during the year preceding the  
 2 reorganization or dissolution."  
 3 35. Page 62, line 10, by striking the word  
 4 "residence." and inserting the following: "residence  
 5 for a period not exceeding three years. However, the  
 6 school budget review committee may grant supplemental  
 7 aid or modified allowable growth, to a school district  
 8 to continue funding a program for students after the  
 9 expiration of the three-year period."  
 10 36. Page 77, line 5, by striking the word "fifty"  
 11 and inserting the following: "thirty-three".  
 12 37. Page 77, line 7, by striking the word "fifty"

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13 and inserting the following: "sixty-seven".

14 38. Page 77, by striking lines 8 through 13 and  
15 inserting the following: "dollars of assessed  
16 valuation in the district. The".

17 39. Page 82, by inserting after line 4 the  
18 following:

19 "Sec. 1000. Section 442.9, subsection 1, paragraph  
20 a, unnumbered paragraph 1, Code 1989, is amended to  
21 read as follows:

22 As used in this chapter, regular program district  
23 cost per pupil for the budget year is equal to the  
24 regular program district cost per pupil for the base  
25 year plus the allowable growth. However, regular  
26 program district cost per pupil does not include  
27 additional allowable growth added for programs for  
28 gifted and talented children, for programs for  
29 returning dropouts, and for educational improvement  
30 projects under chapter 260A, for special education  
31 support services costs, or for school districts that  
32 have a negative balance of funds raised for special  
33 education instruction programs under section 442.13,  
34 subsection 14, paragraph "b", and does not include  
35 additional allowable growth established by the school  
36 budget review committee for a single school year  
37 only."

38 40. Page 82, line 11, by striking the words "five  
39 hundredths" and inserting the following: "five  
40 hundredths twenty-five thousandths".

41 41. Page 82, line 17, by striking the word  
42 "fifteen" and inserting the following: "fifteen seven  
43 and one-half".

44 42. Page 82, line 19, by striking the word  
45 "twenty-five" and inserting the following: "twenty-  
46 five twelve and one-half".

47 43. Page 85, by inserting after line 27 the  
48 following:

49 "Sec. \_\_\_\_\_. Sections 442.31 through 442.36, Code  
50 1989, are repealed effective July 1, 1990."

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1 44. Page 85, line 34, by striking the word and  
2 figure "and 103" and inserting the following: ", 103,  
3 and 1000".

4 45. By renumbering as necessary.

Ollie of Clinton moved the adoption of amendment H-3351A.

Roll call was requested by Stromer of Hancock and Daggett of Adams.

On the question "Shall amendment H—H—3351A be adopted?"  
(H.F. 535)

The ayes were, 84:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cphoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hester	Hibbard	Jay	Jesse
Jochum	Johnson	Kistler	Koenigs
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 16:

Carpenter	Doderer	Groninga	Gruhn
Halvorson, R. N.	Haverland	Hermann	Holveck
Knapp	Kremer	Lageschulte	Petersen, D. F.
Poncy	Shoning	Stueland	Trent

Amendment H—3351A was adopted.

Arnould of Scott asked and received unanimous consent that House File 535 be deferred and that the bill retain its place on the calendar.

## INTRODUCTION OF BILLS

**House File 577**, by Shearer, a bill for an act exempting certain speed violations from a requirement that the charge and notice to appear specify the defendant's speed and the speed limit applicable.

Read first time and referred to committee on **transportation**.

**House File 578**, by committee on ways and means, a bill for an act excluding from income for purposes of state and local government benefit or entitlement programs and the state individual income tax proceeds received for damages resulting from exposure to certain herbicides and providing a retroactive applicability date.

Read first time and placed on the **ways and means calendar**.

**House File 579**, by committee on human resources, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill.

Read first time and placed on the **calendar**.

**House File 580**, by Hibbard, a bill for an act relating to child endangerment, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 581**, by Doderer, a bill for an act authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships.

Read first time and referred to committee on **local government**.

**House File 582**, by Schrader, a bill for an act relating to the appropriation of moneys in the petroleum overcharge funds.

Read first time and referred to committee on **appropriations**.

**House File 583**, by Stromer, a bill for an act relating to the budget request for the judicial department and requirements for approval.

Read first time and referred to committee on **appropriations**.

**MOTION TO RECONSIDER**  
(Amendment H—3329 to House File 535)

I move to reconsider the vote by which amendment H—3329 to House File 535 failed to be adopted by the House on March 10, 1989.

**HARBOR of Mills**

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 10, 1989, he approved and transmitted to the Secretary of State the following bill:

Senate File 59, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of school districts other than the district of residence without cost to the parents or guardians and to provide an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 266 (Reassigned)**

Transportation: Jay, Chair; Connolly and Schnekloth.

**House File 320**

Transportation: Gruhn, Chair; Beaman and Brown.

**House File 330**

Transportation: Koenigs, Chair; Connolly and De Groot.

**House File 461**

Transportation: Muhlbauer, Chair; Beaman and Jay.

**House File 483**

Transportation: Cohoon, Chair; Fogarty and Schnekloth.

**House File 493**

Transportation: Muhlbauer, Chair; Koenigs and Royer.

**House File 498**

Transportation: Muhlbauer, Chair; Koenigs and Royer.

**House File 504**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House File 505**

State Government: Halvorson of Webster, Chair; Garman and Knapp.

**House File 506**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House File 513**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 514**

Transportation: Muhlbauer, Chair; Beaman and Fogarty.

**House File 515**

Education: Adams, Chair; Brand and Daggett.

**House File 517**

Education: Harper, Chair; Kistler and Shoultz.

**House File 520**

Judiciary and Law Enforcement: Siegrist, Chair; Poncy and Renaud.

**House File 523**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 527**

Transportation: Connolly, Chair; Pavich and Pellett.

**House File 529**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**House File 530**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 539**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House File 540**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House File 541**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 546**

State Government: Renaud, Chair; Connors and Renken.

**House File 547**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 553**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 555**

State Government: Blanshan, Chair; Buhr, Hanson of Delaware, Peterson of Carroll and Shoning.

**House File 556**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Hansen of Woodbury and Jay.

**House File 557**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 558**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 559**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 560**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House File 562**

State Government: Blanshan, Chair; Connors and Hanson of Delaware.

**House File 565**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 567**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**House File 568**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 322**

State Government: Pavich, Chair; Beatty, Buhr, Garman and Lundby.

**House Study Bill 325**

Education: Shoultz, Chair; Maulsby and Tabor.

**House Study Bill 328**

State Government: Peterson of Carroll, Chair; Lundby and Pavich.

**House Study Bill 330**

Education: Wise, Chair; Beaman and Brand.

**House Study Bill 333**

State Government: Peterson of Carroll, Chair; Beatty and Lundby.

**House Study Bill 334**

State Government: Peterson of Carroll, Chair; Pavich and Shoning.

**House Study Bill 335**

Transportation: Connolly, Chair; Black and De Groot.

**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 206), relating to reducing pollution

by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 9, 1989.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 231), to establish a teacher exchange program within the state and making an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 9, 1989.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**House File 86**, a bill for an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1989.

**House File 282**, a bill for an act relating to the effective date for the provision of tax incentives for the sale and use of degradable bags used as point-of-sale packaging.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1989.

**Committee Bill** (Formerly House Study Bill 53), relating to the protection of meandered streams and sovereign lakes, and subjecting violators to an existing penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House Joint Resolution 8**, a joint resolution to nullify a portion of the administrative rule of the department of employment services relating to lockouts and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1989.

**House File 394**, a bill for an act relating to inspections and repairs of boilers used for exhibition use only.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1989.

**Committee Bill** (Formerly House Study Bill 261), relating to certain employers' experience ratings under the unemployment compensation law by allowing a waiver

of the transfer of a predecessor employer's payrolls, contributions, accounts, and contribution rates to a successor employer which acquires the whole enterprise or business and by defining "going out of business" for the purpose of certain employees' duration of benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1989.

#### AMENDMENTS FILED

H-3337	H.F.	248	Renken of Grundy
H-3347	H.F.	535	Osterberg of Linn
H-3348	H.F.	535	Stromer of Hancock
H-3349	H.F.	535	Stromer of Hancock
H-3350	H.F.	252	Spear of Lee
H-3352	H.F.	473	Connolly of Dubuque
H-3353	H.F.	535	Stromer of Hancock
H-3354	H.F.	535	Ollie of Clinton
H-3355	H.F.	535	Stromer of Hancock
H-3356	H.F.	536	Garman of Story
H-3357	H.F.	536	Garman of Story
H-3358	H.F.	535	Schnekloth of Scott Bennett of Ida
H-3359	H.F.	535	Carpenter of Polk

On motion by Arnould of Scott, the House adjourned at 2:18 p.m., until 10:00 a.m., Monday, March 13, 1989.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 13, 1989

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, March 10, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Schnekloth of Scott, from sixty-six residents of Scott County opposing Senate File 124, relating to riverboat gambling.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schnekloth of Scott on request of Bennett of Ida; Stueland of Clinton, until his arrival, on request of Eddie of Buena Vista; Peters of Woodbury, until his arrival, on request of Wise of Lee; Doderer of Johnson, until her arrival, on request of Harbor of Mills; Royer of Page on request of Harbor of Mills.

## INTRODUCTION OF BILLS

**House File 584**, by committee on economic development, a bill for an act relating to the establishment of an Iowa foundation for international research to secure trade, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 585**, by committee on judiciary and law enforcement, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project.

Read first time and placed on the **calendar**.

**House File 586**, by Swartz, Fuller, Renaud, Gruhn, McKinney, Svoboda, Hansen of Woodbury, Mertz and Connors, a bill for an act appropriating funds to the department of public safety for a drug-tip hotline.

Read first time and referred to committee on **appropriations**.

**House File 587**, by McKean, a bill for an act providing a property tax exemption for certain residential and commercial property.

Read first time and referred to committee on **ways and means**.

**House File 588**, by Swartz, Harper, Renaud, Schrader, Bisignano, Mertz, Dvorsky, Hansen of Woodbury and Connors, a bill for an act making an appropriation for grants to approved county or multicounty juvenile detention homes and for court-established multicounty juvenile programs.

Read first time and referred to committee on **appropriations**.

**House File 589**, by Hanson of Delaware, a bill for an act relating to child day care requirements.

Read first time and referred to committee on **human resources**.

**House File 590**, by Bennett, a bill for an act relating to the annual permit fees for class "C" beer permits.

Read first time and referred to committee on **state government**.

**House File 591**, by Hanson of Delaware, Plasier, McKean, Carpenter, Trent, Garman, Metcalf, Siegrist and De Groot, a bill for an act relating to campaign finance, restricting the uses of campaign funds, providing for the transfer of campaign funds, providing for the ownership and disposition of campaign property, making penalties applicable, and providing for the applicability of the Act.

Read first time and referred to committee on **state government**.

**House File 592**, by Hanson of Delaware, Plasier, McKean, Carpenter, Trent, Garman, Metcalf, Siegrist and De Groot, a bill for an act relating to campaign finance, imposing certain restrictions relating to contributions to candidates and political committees, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, making penalties applicable, providing effective dates, and providing a retroactive applicability date.

Read first time and referred to committee on **state government**.

**House File 593**, by Plasier, Hanson of Delaware, McKean, Carpenter, Trent, Garman, Metcalf, Siegrist and De Groot, a bill for an act relating to campaign finance disclosure, providing additional disclosure requirements, restricting certain representations by a candidate, providing for refund of contributions under certain circumstances, and making penalties applicable.

Read first time and referred to committee on **state government**.

**House File 594**, by Beatty, a bill for an act relating to political signs, authorizing the campaign finance disclosure commission to impose civil penalties for certain violations, revising provisions relating to local ordinances regulating or restricting the placement of signs, and providing other properly related matters.

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 9, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 233, a bill for an act providing for DNA profiling of certain criminal offenders.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 11

Shoning of Woodbury offered the following House Memorial Resolution 11 and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 11

*Whereas*, The Honorable Edgar J. Koch of Woodbury County, Iowa, who was a member of the Sixty-second and Sixty-third General Assemblies, passed away October 5, 1988; *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 comemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Shoning of Woodbury, Hansen of Woodbury and Peters of Woodbury.

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE

(House File 17)

Sherzan of Polk called up for consideration the report of the conference committee on House File 17 as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 17

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 17, a bill for an act relating to minimum wage requirements, respectfully make the following report:

1. That the House recedes from its amendment, S—3081.
2. That the Senate recedes from its amendment, H—3150.
3. That House File 17, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 4 through 6, and inserting the following: "law, pursuant to 29 U.S.C. § 206, shall be increased to \$3.85 on January 1 of 1990, \$4.25 on January 1 of 1991, and \$4.65 on January 1 of 1992."

2. Page 1, by inserting after line 23 the following:

"d. An employer is not required to pay an employee the applicable minimum wage provided in paragraph "a" until the employee has completed ninety calendar days of employment with the employer. An employee who has completed ninety calendar days of employment with the employer prior to January 1 of 1990, 1991, or 1992, shall earn the applicable hourly minimum wage. An employer shall pay an employee who has not completed ninety calendar days of employment with the employer an hourly wage of at least \$3.35 as of January 1 of 1990, \$3.85 as of January 1 of 1991, and \$4.25 as of January 1 of 1992."

3. Page 1, by striking lines 25 and 26, and inserting the following: "stated in 29 U.S.C. § 213 shall apply, except that the exemption in 29 U.S.C. § 213(a)(2) shall only apply to an enterprise which is comprised of one or more retail or service establishments whose annual gross volume of sales made or business done is less than sixty percent of the amount stated in 29 U.S.C. § 203(s)(2), exclusive of excise taxes at the retail level that are separately stated."

4. By renumbering as necessary.

ON THE PART OF THE HOUSE:

GARY SHERZAN, Chair  
PHIL BRAMMER  
JOHN CONNORS

ON THE PART OF THE SENATE:

JOHN PETERSON, Chair  
DON GETTINGS  
GEORGE KINLEY

The House stood at ease at 10:55 a.m., until the fall of the gavel.

The House resumed session and consideration of the conference committee report on House File 17, at 12:31 p.m., Speaker Avenson in the chair.

Stromer of Hancock rose on a point of order that the conference committee report was not in order because only two House members attended the conference committee meetings.

The Speaker ruled the point not well taken and the conference committee report in order pursuant to Joint Rule 13.4, which states "An agreement on recommendations must be approved by at least three members from each house."

On motion by Sherzan of Polk, the conference committee report and the amendments contained therein was adopted.

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. 17)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Corbett	Diemer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 31:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hester	Jay	Kistler	Kremer
Maulsby	McKean	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Siegrist	Spenner	Stromer
Trent	Tyrrell	Van Maanen	

Absent or not voting, 7:

Daggett	Doderer	Hermann	Peters
Royer	Schneklath	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(House File 17)

Arnould of Scott asked and received unanimous consent that House File 17 be immediately messaged to the Senate.

**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 13th day of March, 1989: House File 9

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Thursday afternoon, March 9. Had I been present, I would have voted "aye" on House Files 324, 398, 404 and 448; Senate Files 158 and 202; and "nay" on House File 250 and Senate File 170.

**KREMER** of Buchanan

I was necessarily absent from the House chamber on Monday, March 13, 1989. Had I been present, I would have voted "aye" on the conference committee report on House File 17.

**PETERS** of Woodbury

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Eighteen eighth grade students from Holy Family Visitation Attendance Center, Des Moines, accompanied by Dennis Elings. By Connors of Polk.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**COMMUNITY ECONOMIC BETTERMENT**

A report on the CEBA Program Expenditures during 1988, pursuant to Chapters 99E.32(1)(b) and 99E.32(2), Code 1989.

**CERTIFICATES OF RECOGNITION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**JOSEPH O'HERN**

Chief Clerk of the House

- 1989-26 Mike Vander Woude, Central Lyon High School — For winning the Class 2A State Wrestling Championship in the 160 lb. division at the 1989 State Wrestling Championships.
- 1989-27 Elizabeth Fagan Lynch, Dubuque — For her unending support and kindness as a teacher of special education for four decades.
- 1989-28 Louis A. Peterson, Lawton — Recognition of his 80th birthday Open House on March 12, 1989, and gratitude for his years of service in the House of Representatives Fifty-ninth, Sixtieth, Sixtieth Extra, Sixty-second, Sixty-third, and Sixty-fifth General Assemblies.
- 1989-29 Woodrow Wilson Junior High School, Council Bluffs — For being one of the five Iowa schools to reach the finals in the U.S. Department of Education's 1988-89 Secondary School Recognition Program.
- 1989-30 Marion Folsom, Council Bluffs — Recognition on the celebration of her 100th birthday March 5, 1989.
- 1989-31 Thomas Jefferson High School, Council Bluffs — For winning first place in the 1989 Iowa Academic Decathlon in Denison.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 340 Human Resources**

Relating to the bill of rights of persons with mental retardation, a developmental disability, or chronic mental illness and providing applicability provisions.

### **H.S.B. 341 State Government**

Relating to canteen funds at state institutions.

### **H.S.B. 342 Local Government**

Relating to official publications by requiring publications of certain hospital board proceedings, by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

### **H.S.B. 343 Natural Resources and Outdoor Recreation**

Authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes.

### **H.S.B. 344 Judiciary and Law Enforcement**

Increasing the penalty for certain vehicular homicide offenses.

**H.S.B. 345 Judiciary and Law Enforcement**

Relating to certain assault violations.

**H.S.B. 346 Human Resources**

Relating to child day care requirements.

**H.S.B. 347 Economic Development**

Establishing primary and regional centers for economic development services, establishing certain loan funds, establishing councils of government, and providing for the levy of an economic development tax.

**H.S.B. 348 Transportation**

Relating to funding available for roads including appropriations of moneys to the affected jurisdictions and providing effective dates.

**H.S.B. 349 Human Resources**

Relating to the appointment of temporary conservators and the requirement of money-management skills training for certain tenants who are recipients of certain public assistance.

**H.S.B. 350 Energy and Environmental Protection**

Relating to energy efficiency and providing effective date.

**H.S.B. 351 Human Resources**

Requiring the department of inspections and appeals to adopt rules relating to intermediate care facilities for the mentally retarded and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 496**

Small Business and Commerce: Hibbard, Chair; Halvorson of Clayton and Jesse.

**House File 543**

Energy and Environmental Protection: Osterberg, Chair; McKean and Rosenberg.

**House File 552**

Small Business and Commerce: Groninga, Chair; Schnekloth and Sherzan.

**House File 563**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 564**

Transportation: Muhlbauer, Chair; Branstad and Fogarty.

**House File 569**

Small Business and Commerce: Chapman, Chair; Garman and Groninga.

**House File 580**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 124**

Small Business and Commerce: Sherzan, Chair; Chapman, Groninga, Halvorson of Clayton and Schnekloth.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 336**

Agriculture: Hibbard, Chair; Branstad and Osterberg.

**House Study Bill 337**

Agriculture: Fuller, Chair; Muhlbauer and Pellett.

**House Study Bill 338**

Agriculture: Gruhn, Chair; Petersen of Muscatine and Schrader.

**House Study Bill 344**

Judiciary and Law Enforcement: Hibbard, Chair; Rosenberg and Trent.

**House Study Bill 348**

Transportation: Connolly, Chair; De Groot, Fey, Koenigs and Schnekloth.

**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 COMMITTEE ON EDUCATION**

**House File 219**, a bill for an act to appropriate moneys for a study of the literacy of Iowa's young adults.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3364** March 9, 1989.

**Pursuant to Rule 31.7, House File 219 was referred to the committee on appropriations.**

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House File 302), a bill for an act relating to the testing

of public and regional water systems, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1989.

#### AMENDMENTS FILED

H—3360	H.F.	394	Spenner of Henry
H—3361	H.F.	535	Carpenter of Polk Renaud of Polk
H—3362	H.F.	490	Garman of Story
H—3363	H.F.	535	Ollie of Clinton
H—3364	H.F.	219	Committee on Education
H—3365	H.F.	535	Bennett of Ida
H—3366	S.F.	124	Connolly of Dubuque
H—3367	H.F.	535	Chapman of Linn
H—3368	H.F.	535	Neuhauser of Johnson
H—3369	H.F.	535	Maulsby of Calhoun
H—3370	H.F.	535	Maulsby of Calhoun
H—3371	H.F.	535	Neuhauser of Johnson
H—3372	S.F.	46	Tyrrell of Iowa Hermann of Scott Renken of Grundy
H—3373	S.F.	216	Muhlbauer of Crawford

On motion by Arnould of Scott, the House adjourned at 1:27 p.m., until 9:00 a.m., Tuesday, March 14, 1989.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 14, 1989

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 13, 1989 was approved.

## INTRODUCTION OF BILLS

**House File 595**, by Hermann, Lundby, Metcalf, Hester, Stueland, Shoning, Banks and Spenner, a bill for an act relating to the prohibition against operating motor vehicles while intoxicated, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 596**, by committee on local government, a bill for an act relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions.

Read first time and placed on the **calendar**.

**House File 597**, by Osterberg, a bill for an act prohibiting the advertising of tobacco products, providing for the administration and enforcement of the prohibition, establishing a special fund, and providing for civil penalties.

Read first time and referred to committee on **human resources**.

**House File 598**, by committee on energy and environmental protection, a bill for an act relating to the testing of public water systems, and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 599**, by committee on education, a bill for an act to establish a teacher exchange program within the state and making an appropriation.

Read first time and referred to committee on **appropriations**.

**House File 600**, by committee on energy and environmental protection, a bill for an act relating to the protection of water quality, including the establishment of protected areas, and providing a penalty.

Read first time and placed on the **calendar**.

**House File 601**, by committee on labor and industrial relations, a bill for an act relating to certain employers' experience ratings under the unemployment compensation law by allowing a waiver of the transfer of a predecessor employer's payrolls, contributions, accounts, and contribution rates to a successor employer which acquires the whole enterprise or business and by defining "going out of business" for the purpose of certain employees' duration of benefits.

Read first time and placed on the **calendar**.

**House File 602**, by Black, a bill for an act relating to the compensation of landowners and tenants by municipalities for the inconvenience which results from the vacating of roads and bridges.

Read first time and referred to committee on **local government**.

**House File 603**, by Plasier, a bill for an act relating to the method used by school districts for reimbursement of the costs of transporting certain nonpublic school pupils.

Read first time and referred to committee on **education**.

**House File 604**, by Lykam, a bill for an act relating to the creation of housing rehabilitation districts and the rehabilitation of residential property.

Read first time and referred to committee on **local government**.

**House File 605**, by Swartz, Svoboda and Connors, a bill for an act relating to motor vehicle accidents by imposing civil penalties on persons failing to make payments as required by law, and creating the motorist's victim reparation fund.

Read first time and referred to committee on **transportation**.

**House File 606**, by Diemer, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Read first time and referred to committee on **transportation**.

**House File 607**, by Jay and Brown, a bill for an act transferring responsibility and funding of the statewide trails development program from the state department of transportation to the department of natural resources.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**House File 608**, by Buhr, a bill for an act requiring the state department of transportation to publish and distribute an operator's manual.

Read first time and referred to committee on **transportation**.

**House File 609**, by Hanson of Delaware, a bill for an act relating to certain reductions in disability benefits under the state employees disability insurance program.

Read first time and referred to committee on **state government**.

**House File 610**, by Hanson of Delaware, a bill for an act relating to the state employees disability insurance program by revising the length of the waiting period for second and subsequent occurrences of a disability.

Read first time and referred to committee on **state government**.

**House File 611**, by Swartz, Fuller, Teaford and Svoboda, a bill for an act relating to the agricultural land tax credit by requiring that a conservation plan for highly erodable land be filed and implemented.

Read first time and referred to committee on **ways and means**.

**House File 612**, by Swartz, Chapman, Svoboda and Connors, a bill for an act relating to certain training requirements for judges, county attorneys, sheriffs, and chiefs of police, regarding the psychological aspects of child and domestic abuse.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 613**, by Renken, a bill for an act designating state highway three as the "American Veterans Memorial Highway".

Read first time and referred to committee on **transportation**.

**House File 614**, by Hibbard, Gruhn, Nielsen, May, Mertz, Blanshan, Muhlbauer, Fogarty, Svoboda, Shearer, Chapman, Brown, Sherzan, Johnson and Jesse, a bill for an act relating to the penalties

applicable to certain persons arising out of the possession or use of alcohol or a controlled substance.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 615**, by Metcalf, a bill for an act relating to transportation of public and nonpublic school pupils, including the number of pupils for which reimbursement may be provided, and requiring that transportation of nonpublic students be to the closest appropriate nonpublic school.

Read first time and referred to committee on **education**.

**House File 616**, by Poncy and Beaman, 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 617**, by Groninga and Doderer, a bill for an act relating to the issuance and suspension of motor vehicle licenses to persons under the age of eighteen.

Read first time and referred to committee on **transportation**.

**House File 618**, by Connolly, a bill for an act requiring public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors.

Read first time and referred to committee on **transportation**.

#### SENATE MESSAGE CONSIDERED

**Senate File 233**, by Varn, a bill for an act providing for DNA profiling of certain criminal offenders.

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 13, 1989, adopted the conference committee report and passed House File 17, a bill for an act relating to minimum wage requirements.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 369, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date.

JOHN F. DWYER, Secretary

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, until his arrival, on request of Eddie of Buena Vista.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 418**, a bill for an act relating to the number of elector signatures required to authorize inclusion of a proposition relating to school districts on a regular election ballot, 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. 418)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz

Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 1:

Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### Appropriations Calendar

**Senate File 123**, a bill for an act deappropriating and reappropriating moneys for the planning or construction of juvenile facilities and providing an effective date, was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 123)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 1:

Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 289**, a bill for an act making a supplemental appropriation to the department of general services 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. 289)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Tabar	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Banks	Brown	Shearer	Stueland
Swartz			

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 9:48 a.m., until the fall of the gavel.

The House resumed session at 10:17 a.m., Speaker Avenson in the chair.

### Regular Calendar

The House resumed consideration of **House File 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, previously deferred.

Bennett of Ida offered the following amendment H—3365 filed by him and moved its adoption:

H—3365

- 1 Amend House File 535 as follows:
- 2 1. Page 1, lines 14 and 15, by striking the words
- 3 "twenty-five hundredths" and inserting the following:
- 4 "five-tenths".
- 5 2. Page 1, line 17, by striking the words
- 6 "twenty-five hundredths" and inserting the following:
- 7 "five-tenths".
- 8 3. Page 1, lines 21 and 22, by striking the words
- 9 "twenty-five hundredths" and inserting the following:
- 10 "five-tenths".

Roll call was requested by Bennett of Ida and Daggett of Adams.

On the question "Shall amendment H—3365 be adopted?"  
(H.F. 535)

The ayes were, 40:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Eddie	Fogarty	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spenner
Stromer	Trent	Tyrrell	Van Maanen

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fey	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 2:

Fuller                      Stueland

Amendment H — 3365 lost.

Osterberg of Linn asked and received unanimous consent to defer action on amendment H — 3347.

Stromer of Hancock offered amendment H — 3348 filed by him and requested division as follows:

H — 3348

1 Amend House File 535 as follows:

H — 3348A

2 1. Page 6, by inserting after line 14 the  
3 following:  
4 "\_\_\_\_\_. Those students that are lost to the district  
5 due to open enrollment. The number of these students  
6 shall be computed for calculation purposes at the same  
7 rate under the matrix in subsection 4."

H — 3348B

8 2. Page 38, by inserting after line 13 the  
9 following:  
10 "\_\_\_\_\_. A school district shall not have in effect  
11 the additional enrichment amount and the instructional  
12 support program during the same period of time under  
13 sections 257.18 and 257.22."

H—3348C

14 3. By striking page 53, line 17, through page 54,  
 15 line 15 and inserting the following:  
 16 "Sec. 45. Section 275.33, Code 1989, is amended by  
 17 striking the section and inserting in lieu thereof the  
 18 following:  
 19 275.33 CONTRACTS OF NEW DISTRICTS.  
 20 The terms of all existing collective bargaining  
 21 agreements for those districts that have reorganized  
 22 under this chapter are void. The employees of the new  
 23 district are allowed to form new bargaining units  
 24 pursuant to chapter 20."

H—3348D

25 4. Page 78, line 16, by inserting after the word  
 26 "tax." the following: "However, a school district  
 27 shall not generate more than three hundred dollars  
 28 from this new fund."

H—3348E

29 5. Page 79, by striking lines 20 and 21.

H—3348F

30 6. Page 80, by inserting after line 8 the  
 31 following:  
 32 "\_\_\_\_\_. A school district shall not generate more  
 33 revenues under this section than was generated by  
 34 property taxes for these purposes during the budget  
 35 year beginning July 1, 1989."

Black of Jasper in the chair at 10:48 a.m.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3348A.

Neuhauser of Johnson offered the following amendment H—3371 filed by her and moved its adoption:

H—3371

1 Amend House File 535 as follows:  
 2 1. Page 19, by striking lines 4 through 13 and  
 3 inserting the following: "The regular program  
 4 district cost per pupil for each school district shall  
 5 be equal to the state cost per pupil for the budget  
 6 year beginning July 1, 1993. The regular program  
 7 district cost per pupil for the budget year beginning  
 8 July 1, 1993, shall be added to the".

A non-record roll call was requested.

The ayes were 32, nays 37.

Amendment H—3371 lost.

Speaker Avenson in the chair at 11:09 a.m.

Ollie of Clinton offered the following amendment H—3363 filed by him and moved its adoption:

H—3363

- 1 Amend House File 535 as follows:
- 2 1. Page 22, line 25, by striking the figure
- 3 "257.22" and inserting the following: "257.21".
- 4 2. Page 82, line 2, by striking the figure
- 5 "257.58" and inserting the following: "279.54".
- 6 3. Page 85, line 34, by striking the figure "84,"
- 7 and inserting the following: "84".

Amendment H—3363 was adopted.

Stromer of Hancock offered the following amendment H—3353 filed by him and moved its adoption:

H—3353

- 1 Amend House File 535 as follows:
- 2 1. Page 29, line 22, by striking the words
- 3 "assessed valuation in" and inserting the following:
- 4 "individual income tax paid by residents of".
- 5 2. Page 29, line 24, by striking the words
- 6 "assessed valuation" and inserting the following:
- 7 "income tax".
- 8 3. Page 29, line 25, by striking the words
- 9 "assessed valuation in" and inserting the following:
- 10 "total individual income tax paid by residents of".
- 11 4. Page 29, line 27, by striking the word
- 12 "valuation" and inserting the following: "income
- 13 tax".
- 14 5. Page 29, line 28, by striking the word
- 15 "valuation" and inserting the following: "income
- 16 tax".
- 17 6. Page 29, line 29, by striking the word
- 18 "valuation" and inserting the following: "income
- 19 tax".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—3353 be adopted?"  
(H.F. 535)

The ayes were, 34:

Banks

Beaman

Bennett

Branstad

Clark	Corbett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Spenner	Stromer	Svoboda
Tyrrell	Van Maanen		

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker Avenson

Absent or not voting, 2:

Blanshan                      Stueland

Amendment H—3353 lost.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—3349 filed by him on March 10, 1989.

Schnekloth of Scott offered the following amendment H—3358 filed by him and Bennett of Ida and moved its adoption:

H—3358

- 1 Amend House File 535 as follows:
- 2 1. Page 30, line 13, by inserting after the
- 3 figure "257.4." the following: "However, the
- 4 instructional support property tax shall not be levied
- 5 for use in a budget year if the school district was in
- 6 violation of section 279.45 for the base year."

Amendment H—3358 was adopted.

Carpenter of Polk asked and received unanimous consent to defer action on amendment H—3359.

The House resumed consideration of amendment H—3348B.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3348B.

Chapman of Linn offered the following amendment H—3367 filed by her and moved its adoption:

H—3367

1 Amend House File 535 as follows:

2 1. Page 47, by inserting after line 1 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 388.9 PAYMENT IN LIEU OF  
5 PROPERTY TAXES.

6 A city which owns a gas or electric utility shall  
7 annually pay out of the revenue from the utility to  
8 the school district or districts within which the city  
9 is situated a payment in lieu of property taxes equal  
10 to the amount determined by applying the tax rate of  
11 the school district to the assessed value of the  
12 utility property, any other statute to the contrary  
13 notwithstanding. The assessed value of the property  
14 shall be determined under section 427.1, subsection  
15 31, and the utility may protest the assessed value in  
16 the manner provided by law for any property owner to  
17 protest an assessment. The assessed value of the  
18 property shall be included in any summation of  
19 valuations in the school district for all purposes  
20 known to the law. For the purposes of chapter 257,  
21 payments made pursuant to this section shall be  
22 considered as property taxes and not as miscellaneous  
23 income. The county treasurer shall certify to the  
24 utility the payments due and the payments shall be  
25 made annually to the county treasurer who shall remit  
26 the payments to the school district in the same manner  
27 as school district property taxes are collected.

28 This section does not apply to a city-owned  
29 property operated by a city as a gas or electric  
30 utility on or before July 1, 1989."

31 2. By renumbering sections as necessary.

A non-record roll call was requested.

The ayes were 23, nays 41.

Amendment H—3367 lost.

Arnould of Scott asked and received unanimous consent that House File 535 be deferred and that the bill retain its place on the calendar.

**IMMEDIATE MESSAGE**  
(Senate File 289)

Arnould of Scott asked and received unanimous consent to immediately message Senate File 289 to the Senate.

**REFERRED TO COMMITTEE ON WAYS AND MEANS**

The Speaker announced that House File 443, previously referred to the committee on **state government**, was referred to the committee on **ways and means**.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on March 13, 1989. Had I been present, I would have voted "nay" on House File 17.

ROYER of Page

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Fifty junior and senior students from North High School, Sioux City, accompanied by John Hejhal. By Hansen of Woodbury and Peters of Woodbury.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 352 State Government**

Relating to the duties of the treasurer of state.

**H.S.B. 353 Transportation**

Relating to the implementation of a program for integrated roadside vegetation management, including the crediting of moneys to the living roadway trust fund, and providing an effective date.

**H.S.B. 354 Agriculture**

Relating to developing comprehensive management plans with owners of highly erodible land.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 485**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House File 499**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 512**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 521**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 522**

Local Government: Mertz, Chair; Brown and Eddie.

**House File 526**

Local Government: Fuller, Chair; Bisignano and Royer.

**House File 538**

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

**House File 542**

Labor and Industrial Relations: Halvorson of Webster, Chair; Kistler and Lykam.

**House File 548**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House File 581**

Local Government: Connors, Chair; McKean and Shearer.

**House File 589**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House File 618**

Transportation: Koenigs, Chair; Harbor and Muhlbauer.

**Senate File 279**

Local Government: Spear, Chair; Haverland and Royer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 323**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**House Study Bill 324**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 340**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 342**

Local Government: Fogarty, Chair; Renken and Shearer.

**House Study Bill 346**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**House Study Bill 347**

Economic Development: Swartz, Chair; Bennett, Brand, Branstad and Dvorsky.

**House Study Bill 353**

Transportation: Fey, Chair; Connolly and Spenner.

**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 379**, a bill for an act relating to the hospice licensure renewal fee.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 223), relating to human immunodeficiency virus-related testing and counseling, and eliminating certain penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 24**, a bill for an act relating to the liability of a sports official and providing an effective date and an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**House File 329**, a bill for an act relating to the name of and liabilities arising from activities of the small business assistance center at the University of Northern Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**House File 529**, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**House File 556**, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3383** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 11), establishing scheduled violations relating to the regulation of open containers and public consumption of alcoholic beverages, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 130), relating to the purchase or sale of an individual and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 233), allowing a person to obtain an independent chemical test of alcohol concentration in relation to an allegation of operating a motor vehicle while intoxicated, providing for submission of the independent test results at an administrative hearing, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 225), exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 280), relating to the appeal of local governmental budgets.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 317), relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 480**, a bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 13, 1989.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 249), relating to mortgage brokers and mortgage bankers.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

**Committee Bill** (Formerly House Study Bill 254), relating to savings and loan associations and their regulation by the superintendent of savings and loans.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1989.

## AMENDMENTS FILED

H-3374	H.F.	142	Brammer of Linn
H-3375	S.F.	124	Hermann of Scott
H-3376	S.F.	124	Hermann of Scott
H-3378	S.F.	46	Tyrrell of Iowa
			Hermann of Scott
			Renken of Grundy
H-3379	H.F.	535	Halvorson of Clayton
			Harbor of Mills
H-3380	H.F.	59	Muhlbauer of Crawford
H-3381	H.F.	535	Stromer of Hancock
H-3382	H.F.	531	Schnekloth of Scott
H-3383	H.F.	556	Committee on Judiciary
			and Law Enforcement
H-3384	S.F.	96	Hammond of Story
			Fey of Scott

On motion by Arnould of Scott, the House adjourned at 11:35 a.m., until 9:00 a.m., Wednesday, March 15, 1989.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 15, 1989

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 14, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Shearer of Louisa, from twenty-two Washington County citizens favoring a ban on trapping along public roadways.

By Shoning of Woodbury, from twenty-five constituents of the third district opposing House File 316, a bill for an act requiring a multicultural, nonsexist approach in all accredited schools.

Also: From seventy-four constituents of the third district opposing House File 351, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn on request of Dvorsky of Johnson; Rosenberg of Story on request of Jay of Appanoose; Swartz of Marshall on request of Sherzan of Polk, all until their arrival.

## INTRODUCTION OF BILLS

**House File 619**, by committee on judiciary and law enforcement, a bill for an act establishing scheduled violations relating to the regulation of open containers and public consumption of alcoholic beverages, and providing penalties.

Read first time and placed on the **calendar**.

**House File 620**, by committee on local government, a bill for an act relating to the appeal of local governmental budgets.

Read first time and placed on the **calendar**.

**House File 621**, by committee on local government, a bill for an act exempting certain deeds transferring real estate from declarations of value and the tax on transfers.

Read first time and referred to committee on **ways and means**.

**House File 622**, by Hanson of Delaware, a bill for an act relating to the public employees' retirement system by permitting partial refunds of accumulated member and employer contributions to vested members who have retired from the system due to disability.

Read first time and referred to committee on **state government**.

**House File 623**, by Svoboda, a bill for an act relating to developing comprehensive management plans with owners of highly erodible land.

Read first time and referred to committee on **agriculture**.

**House File 624**, by McKean, a bill for an act relating to the date of the primary election.

Read first time and referred to committee on **state government**.

**House File 625**, by Halvorson of Webster, a bill for an act relating to the assignment of duties to the lieutenant governor, providing for a salary commensurate with the duties, and providing for the applicability of the Act.

Read first time and referred to committee on **state government**.

**House File 626**, by Stueland and Lundby, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters.

Read first time and referred to committee on **energy and environmental protection**.

**House File 627**, by Halvorson of Clayton, a bill for an act relating to the licensing of auctioneers, imposing fees, providing for an auctioneers recovery fund, providing penalties, and providing other properly related matters.

Read first time and referred to committee on **state government**.

**House File 628**, by committee on judiciary and law enforcement, a bill for an act relating to the purchase or sale of an individual and providing a penalty.

Read first time and placed on the **calendar**.

**House File 629**, by Holveck, a bill for an act relating to automobile insurance by prohibiting an endorsement or rider restricting the use by a family member of the insured of an insured's automobile when the restricted family member is also a separate insured of the insurer.

Read first time and referred to committee on **small business and commerce**.

### SENATE MESSAGE CONSIDERED

**Senate File 369**, by committee on appropriations, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date.

Read first time and referred to committee on **appropriations**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 404, a bill for an act relating to the effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal, and providing an effective date.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 83, a bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 255, a bill for an act relating to the priority of advances under line-of-credit mortgages.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to a spouse relinquishing rights in a homestead and other inchoate dower rights.

Also: That the Senate has on March 13, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 291, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

Also: That the Senate has on March 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 363, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 313**, a bill for an act relating to the common boundary for a voluntary annexation, 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?" (H.F. 313)

The ayes were, 80:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Royer	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Teaford	Trent	Tyrrell	Mr. Speaker Avenson

The nays were, 12:

Bennett	Branstad	Garman	Hanson, D. R.
Hibbard	Maulsby	McKinney	Miller
Petersen, D. F.	Renken	Schnekloth	Van Maanen

Absent or not voting, 8:

Brammer	Chapman	Ollie	Osterberg
Rosenberg	Swartz	Tabor	Wise

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 128**, a bill for an act relating to the collection and compilation of information regarding juvenile court activities, 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?" (S.F. 128)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby

May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Teaford	Trent
Van Maanen	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Brammer	Chapman	Ollie	Osterberg
Plasier	Rosenberg	Swartz	Tabor
Tyrrell	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 159**, a bill for an act relating to the sale or contracting for goods and services between a civil service commissioner and a city, was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 159)

The ayes were, 96:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Arnould	Brammer	Rosenberg	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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott, until his return, on request of Groninga of Cerro Gordo.

### Appropriations Calendar

**Senate File 119**, a bill for an act relating to state financial management by revising provisions governing the reversion of appropriations, the prescribing of uniform accounting systems and forms, account coding to identify authorizing statutes, and authorization for the prepayment of claims, and providing properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—3097 filed by the committee on state government and moved its adoption:

H—3097

- 1 Amend Senate File 119, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 8.35A, subsection 1, Code 1989,
- 6 is amended to read as follows:
- 7 1. By July 1 the director of the department of
- 8 management shall provide a projected expenditure
- 9 breakdown of each appropriation for the beginning
- 10 fiscal year to the legislative fiscal bureau in the
- 11 form and level of detail requested by the bureau. By
- 12 the fifteenth of each month, the director shall
- 13 transmit to the legislative fiscal bureau a record for
- 14 each appropriation of actual expenditures for the
- 15 prior month of the fiscal year and the fiscal year to
- 16 date in the form and level of detail as requested by

17 the bureau. By ~~November~~ October 1 the director shall  
 18 transmit the total record of an appropriation,  
 19 including reversions and transfers for the prior  
 20 fiscal year ending June 30, to the legislative fiscal  
 21 bureau."

22 2. Page 2, by inserting after line 24 the  
 23 following:

24 "Sec. \_\_\_\_\_. Section 421.16, Code 1989, is amended  
 25 to read as follows:

26 421.16 EXPENSES.

27 The director, deputy directors, secretary, and  
 28 assistants are entitled to receive from the state  
 29 their actual necessary expenses while traveling on the  
 30 business of the department. The expenditures shall be  
 31 sworn to by the party who incurred the expense, and  
 32 approved and allowed by the director. However, ~~no~~  
 33 such ~~expense~~ expenses shall ~~not~~ be allowed the  
 34 ~~director, deputy directors, secretary, or employees of~~  
 35 ~~the department~~ residents of Polk county while in the  
 36 city of Des Moines or traveling between their homes  
 37 and the city of Des Moines."

38 3. By numbering and renumbering as necessary.

The committee amendment H-3097 was adopted.

Van Maanen of Mahaska offered the following amendment  
 H-3276 filed by him and moved its adoption:

H-3276

1 Amend Senate File 119, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 14 the fol-  
 4 lowing:

5 "Sec. 100. Section 8.6, subsection 1, paragraph c,  
 6 Code 1989, is amended to read as follows:

7 c. For the proposed budget year, an estimate of  
 8 revenue from all sources, other than revenue to be  
 9 received from property taxation, separately stated as  
 10 to each such source, to be allocated to each of the  
 11 several funds, and for each fund the actual or  
 12 estimated unencumbered cash balance, whichever is  
 13 applicable, to be available at the beginning of the  
 14 year, the amount proposed to be received from property  
 15 taxation allocated to each fund, and the amount  
 16 proposed to be expended during the year plus the  
 17 amount of cash reserve, based on actual experience of  
 18 prior years, which shall be the necessary cash reserve  
 19 of the budget adopted exclusive of capital outlay  
 20 items. The estimated expenditures plus the required  
 21 cash reserve for the ensuing fiscal year less all  
 22 estimated or actual unencumbered balances at the

23 beginning of the year and less the estimated income  
24 from all sources other than property taxation shall  
25 equal the amount to be received from property taxes,  
26 and such amount shall be shown on the proposed budget  
27 estimate. However, the proposed budget expenditures  
28 for the ensuing year shall not include any estimated  
29 or actual unencumbered balances of appropriations at  
30 the end of the current fiscal year.

31 Sec. 101. Section 8.6, subsection 9, paragraph g,  
32 Code 1989, is amended to read as follows:

33 g. A detailed statement of all appropriations made  
34 during the two preceding fiscal years, also of  
35 unexpended balances of appropriations at the end of  
36 the last fiscal year and estimated balances at the end  
37 of the current fiscal year. The budget report,  
38 however, shall not include any estimated unexpended  
39 balances of appropriations at the end of the current  
40 fiscal year as proposed expenditures for the ensuing  
41 fiscal year.

42 Sec. 102. Section 8.22, subsection 1, Code 1989,  
43 is amended to read as follows:

44 1. The governor's program for meeting all the  
45 expenditure needs of the government for the fiscal  
46 year, indicating the classes of funds, general or  
47 special, from which appropriations are to be made and  
48 the means through which the expenditures shall be  
49 financed. However, the governor's program shall not  
50 include any estimated unexpended balances of

## Page 2

1 appropriations at the end of the current fiscal year  
2 as proposed expenditures for the ensuing fiscal year."

3 2. Page 3, by inserting after line 20 the  
4 following:

5 "Sec. \_\_\_\_\_. Sections 100 through 102 of this Act  
6 take effect July 1, 1990, and apply to the  
7 preparations of the proposed state budget for each  
8 fiscal year which begins on or after July 1, 1991."

9 3. Title page, line 5, by inserting after the  
10 word "claims," the following: "providing effective  
11 and applicability dates,".

12 4. By renumbering as necessary.

Amendment H—3276 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?" (S.F. 119)

The ayes were, 86:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Neuhauser	Nielsen
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Royer	Schneklott	Schrader
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Teaford	Trent	Tyrrell
Van Maanen	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 14:

Arnould	Brammer	Brand	Chapman
Hatch	Hermann	Muhlbauer	Ollie
Osterberg	Rosenberg	Shearer	Swartz
Tabor	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### Regular Calendar

**House File 380**, a bill for an act relating to real estate practices, permitting certain activities to be conducted through a corporation owned by a real estate broker associate or salesperson, and providing properly related matters, with report of committee recommending passage 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. 380)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Bisignano	Brammer	Hermann	Muhlbauer
Rosenberg	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Blanshan of Greene in the chair at 10:17 a.m.

**House File 384**, a bill for an act relating to sheriffs' sales by permitting written sealed bids to be received, and providing procedures for written sealed bids, with report of committee recommending amendment and passage was taken up for consideration.

Fuller of Hardin offered the following amendment H—3302 filed by the committee on local government:

H—3302

- 1 Amend House File 384 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "any" the following: "sealed".
- 4 2. Page 1, line 9, by inserting after the word

- 5 "the" the following: "sealed".  
 6 3. Page 1, line 11, by inserting before the word  
 7 "written" the following: "sealed".  
 8 4. Page 1, by striking lines 12 through 15 and  
 9 inserting the following: "bid is not the purchaser.  
 10 The sheriff shall keep any written bids sealed until  
 11 the commencement of the public auction, at which time  
 12 the sheriff shall open and announce the written bids  
 13 as though made in person."

Kremer of Buchanan offered the following amendment H—3314, to the committee amendment H—3302, filed by him and Fuller of Hardin and moved its adoption:

H—3314

- 1 Amend the amendment, H—3302, to House File 384 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 13, and  
 4 inserting the following:  
 5 "\_\_\_\_\_. By striking page 1, lines 7 through 15, and  
 6 inserting the following:  
 7 "The sheriff shall receive and give a receipt for a  
 8 sealed written bid submitted prior to the public  
 9 auction. The sheriff may require all sealed written  
 10 bids to be accompanied by payment of any fees required  
 11 to be paid at the public auction by the purchaser, to  
 12 be returned if the person submitting the sealed  
 13 written bid is not the purchaser. The sheriff shall  
 14 keep all written bids sealed until the commencement of  
 15 the public auction, at which time the sheriff shall  
 16 open and announce the written bids as though made in  
 17 person."

Amendment H—3314 was adopted.

On motion by Fuller of Hardin, the committee amendment H—3302, as amended, 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. 384)

The ayes were, 92:

Adams	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie

Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Van Maanen	Wise	Blanshan
			Presiding

The nays were, 2:

Branstad            Tyrrell

Absent or not voting, 6:

Arnould            Brammer            Hermann            Rosenberg  
Royer                Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 252**, a bill for an act relating to leave for a chief deputy sheriff, second deputy sheriff, or other officer or employee subject to civil service who becomes a candidate for elective office, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3350 filed by him and moved its adoption:

H—3350

- 1 Amend House File 252 as follows:
- 2 1. Page 2, line 2, by striking the word "leave" and
- 3 inserting the following: "vacation".

Amendment H—3350 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. 252)

The ayes were, 95:

Adams	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Blanshan	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Arnould	Brammer	Mertz	Rosenberg
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 537**, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, 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. 537)

The ayes were, 96:

Adams	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon

Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellet
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Blanshan Presiding

The nays were, none.

Absent or not voting, 4:

Arnould                      Brammer                      Holveck                      Rosenberg

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 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, previously deferred.

Halvorson of Clayton offered the following amendment H—3379 filed by him and Harbor of Mills:

H—3379

- 1 Amend House File 535 as follows:
- 2 1. Page 45, by inserting after line 16 the fol-
- 3 lowing:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 257.32 SCHOOL REQUIRE-
- 5 MENTS.
- 6 Notwithstanding chapters 273 through 302, school
- 7 districts and area education agencies are not required
- 8 to meet the educational program requirements of

9 chapters 273 through 302, and rules adopted by the  
10 state board of education to implement those chapters,  
11 if the funding provided in this chapter and chapter  
12 298 is insufficient to provide those programs."

Groninga of Cerro Gordo asked and received unanimous consent that House File 535 be deferred and that the bill retain its place on the calendar.

(Amendment H—3379 pending.)

### INTRODUCTION OF BILLS

**House File 630**, by Hanson of Delaware, a bill for an act requiring child day care staff to hold a cardiopulmonary resuscitation certification.

Read first time and referred to committee on **human resources**.

**House File 631**, by Tabor, a bill for an act to legalize proceedings of the City Council of the City of Bellevue relating to the letting of a construction contract.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 632**, by Petersen of Muscatine, a bill for an act providing certain livestock-related tax exemptions and credits.

Read first time and referred to committee on **ways and means**.

**House File 633**, by Holveck, a bill for an act relating to motor vehicle law including insurance coverage requirements for motor vehicles in this state, and providing a penalty and effective dates.

Read first time and referred to committee on **small business and commerce**.

**House File 634**, by Holveck, a bill for an act relating to the valuing of home equity lines of credit for purposes of coverage by the Iowa consumer credit code.

Read first time and referred to committee on **small business and commerce**.

**House File 635**, by Clark, a bill for an act removing the scheduled decrease in the cigarette tax and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 636**, by Swartz, a bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

Read first time and referred to committee on **natural resources and outdoor recreation**.

### 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 15th day of March, 1989: House Files 17 and 292

**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 15, 1989, he approved and transmitted to the Secretary of State the following bill:

House File 9, an act relating to the imposition of judgment, upon which execution will lie, against a criminal offender on probation who fails to comply with a court-ordered plan of restitution.

### PROOF OF PUBLICATION

(House File 631)

Published copy of House File 631 and verified proof of publication of said bill in The Bellevue Herald-Leader, Inc., a newspaper printed and published in Bellevue, Jackson County, Iowa on February 16, 1989, was filed with the Chief Clerk of the House prior to the time said bill was placed on passage in the House.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF INSPECTIONS AND APPEALS

The Annual Report for fiscal year 1988, pursuant to Chapter 17.1, Code of Iowa.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twelve students from DeSoto Middle School, accompanied by Mrs. Szwiefel and Mrs. Brockman. By McKinney of Dallas.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 355 Judiciary and Law Enforcement**

Relating to retentions from payments to contractors on contracts for the construction of public improvements.

##### **H.S.B. 356 Judiciary and Law Enforcement**

Relating to the regulation of alternate operator services and making civil penalties applicable.

##### **H.S.B. 357 Judiciary and Law Enforcement**

Relating to property rights and methods of enforcement by altering the relative rights of tenants and landlords, including, but not limited to, mobile home park tenants and landlords and by granting small claims concurrent jurisdiction over certain mobile home and personal property abandonment actions.

##### **H.S.B. 358 Judiciary and Law Enforcement**

Relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, accompanied by a fixture filing to perfect the security interest and provide notice to third parties, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

##### **H.S.B. 359 Judiciary and Law Enforcement**

Relating to the state public defender and the appointment of a state appellate defender.

##### **H.S.B. 360 Judiciary and Law Enforcement**

Relating to a spouse relinquishing rights in a homestead and other inchoate dower rights.

##### **H.S.B. 361 Judiciary and Law Enforcement**

Relating to the establishment of a law enforcement review board.

##### **H.S.B. 362 Judiciary and Law Enforcement**

Relating to accident reports filed with the state department of transportation.

**H.S.B. 363 Judiciary and Law Enforcement**

Relating to the use of nontransferable letters of credit as security for deposit or investment of public funds provided to a public officer from a depository institution.

**H.S.B. 364 Judiciary and Law Enforcement**

Relating to the violation of or interference with civil rights in certain situations, and providing penalties.

**H.S.B. 365 Judiciary and Law Enforcement**

Relating to the regulation of insurance, establishing the office of consumer advocate of insurance, establishing a three-person insurance board, and providing for the appointment of a study committee to examine casualty insurance premium rates.

## SUBCOMMITTEE ASSIGNMENTS

**House File 219**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 383**

Ways and Means: May, Chair; Holveck and Renken.

**House File 500**

Ways and Means: Groninga, Chair; Brand and Renken.

**House File 502**

Ways and Means: Rosenberg, Chair; Petersen of Muscatine and Teaford.

**House File 507**

Ways and Means: Rosenberg, Chair; May and Schnekloth.

**House File 509**

Local Government: Peters, Chair; Fuller and McKean.

**House File 524**

Ways and Means: Chapman, Chair; Groninga and Schnekloth.

**House File 528**

Ways and Means: Wise, Chair; Connolly, Metcalf, Rosenberg and Schnekloth.

**House File 544**

Ways and Means: Doderer, Chair; Metcalf and Teaford.

**House File 545**

Ways and Means: Fey, Chair; De Groot and Holveck.

**House File 554**

Ways and Means: Osterberg, Chair; Doderer and Petersen of Muscatine.

**House File 561**

Natural Resources and Outdoor Recreation: Johnson, Chair; McKean and Osterberg.

**House File 582**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 583**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 586**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 587**

Ways and Means: May, Chair; Brand and Petersen of Muscatine.

**House File 588**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 590**

State Government: Renaud, Chair; Carpenter, Hammond, Peterson of Carroll and Shoning.

**House File 591**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House File 592**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House File 593**

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

**House File 594**

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

**House File 595**

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

**House File 599**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 602**

Local Government: Black, Chair; Eddie and Muhlbauer.

**House File 603**

Education: Ollie, Chair; Daggett, Miller, Shoultz and Wise.

**House File 604**

Local Government: Connors, Chair; Brown and Hester.

**House File 609**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 610**

State Government: Blanshan, Chair; Carpenter, Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

**House File 611**

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

**House File 612**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**House File 614**

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

**House File 615**

Education: Ollie, Chair; Daggett, Miller, Shoultz and Wise.

**House File 616**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**House File 631**

Judiciary and Law Enforcement: Siegrist, Chair; Poncey and Renaud.

**Senate File 168**

Ways and Means: Groninga, Chair; Metcalf and Teaford.

**Senate File 213**

Ways and Means: Wise, Chair; Fey and Petersen of Muscatine.

**Senate File 369**

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton, Hammond, Lageschulte and Pavich.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 339**

Natural Resources and Outdoor Recreation: Osterberg, Chair; Diemer and Koenigs.

**House Study Bill 341**

State Government: Hammond, Chair; Connors and Van Maanen.

**House Study Bill 352**

State Government: Peterson of Carroll, Chair; Pavich and Shoning.

**House Study Bill 354**

Agriculture: Svoboda, Chair; Eddie and Fogarty.

## 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 463), relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 338), relating to administration and authority of the department of agriculture and land stewardship, by retitling administrative units, eliminating certain duties, and authorizing the department to engage in the sale, promotion, marketing, and exporting of agricultural products.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

## COMMITTEE ON EDUCATION

**Senate File 224**, a bill for an act relating to student exercise of free expression in the public schools.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 131), relating to the number of hours of instruction in school per school day.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 413), relating to a guaranteed student loan payment program, providing for loans to nurses, math-science teachers, and occupational therapists, and making an appropriation.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 517), establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 330), to repeal the provision repealing the postsecondary options Act.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 97), relating to the striking of prohibitions restricting certain cities from joining a chapter 28F entity for the purpose of financing electric power facilities, preventing a municipal power agency from furnishing power to a municipal utility not existing as of July 1, 1984, and preventing a city from joining a certain entity for financing electric power facilities without submission of the proposal to the voters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 350), requiring the performance of monthly fuel surveys by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 362), relating to regulation of public utilities and their affiliates, by prohibiting certain business practices by utilities and affiliates, by granting further regulatory authority to the utilities board of the department of commerce, by granting additional access to the utilities board, and prescribing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House Study Bill 166), relating to the access of confidential information collected by the department of employment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 332), relating to the second injury fund, by increasing payments to the fund in event of a job-related death, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 100**, a bill for an act relating to mobile home parks by requiring termination of tenancies only for good cause, providing for minimum standards, and delegating enforcement and regulatory authority.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3385** March 13, 1989.

#### COMMITTEE ON STATE GOVERNMENT

**House Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**House File 506**, a bill for an act relating to the solicitation of public donations and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3387** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 89), relating to state licensing of asbestos professionals who perform work in schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 137), relating to certain filings with the secretary of state by nonprofit corporations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 229), relating to the membership of the medical assistance advisory council.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 283), relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 293), relating to the filing of a bond by out-of-state contractors.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 3), relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House File 320), requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 119), regarding the application process for federal airport funds and mandating that governmental subdivisions, commissions, and authorities submit the applications to the state department of transportation for approval.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 315), to permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 320), Relating to moneys appropriated for recreational trails and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 1989.

**Committee Bill** (Formerly House Study Bill 348), relating to funding available for roads including appropriations of moneys to the affected jurisdictions and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 14, 1989.

## AMENDMENTS FILED

H-3385	H.F.	100	Committee on Local Government
H-3386	H.F.	356	Stromer of Hancock
H-3387	H.F.	506	Committee on State Government
H-3388	H.F.	579	Spear of Lee
H-3389	H.F.	451	Blanshan of Greene
H-3390	H.F.	535	Halvorson of Clayton Harbor of Mills
H-3391	H.F.	209	Bisignano of Polk
H-3392	H.F.	209	Bisignano of Polk
H-3393	H.F.	209	Bisignano of Polk
H-3394	H.F.	209	Bisignano of Polk
H-3395	H.F.	209	Bisignano of Polk
H-3396	H.F.	209	Bisignano of Polk
H-3397	H.F.	209	Bisignano of Polk
H-3398	H.F.	209	Bisignano of Polk
H-3399	H.F.	209	Bisignano of Polk
H-3400	H.F.	209	Bisignano of Polk
H-3401	H.F.	209	Bisignano of Polk
H-3402	H.F.	209	Bisignano of Polk
H-3403	H.F.	209	Bisignano of Polk
H-3404	H.F.	209	Bisignano of Polk
H-3405	H.F.	209	Bisignano of Polk
H-3406	H.F.	209	Bisignano of Polk
H-3407	H.F.	574	Kremer of Buchanan

On motion by Groninga of Cerro Gordo, the House adjourned at 11:05 a.m., until 9:00 a.m., Thursday, March 16, 1989.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 16, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Allan Bash, pastor of the Altoona Christian Church, Altoona.

The Journal of Wednesday, March 15, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Jochum of Dubuque, from one hundred thirty-three individuals of Dubuque opposing House Study Bill 16 (and Senate Study Bill 1), an act relating to the increase of selected fishing and hunting license and stamp fees.

## INTRODUCTION OF BILLS

**House File 637**, by committee on labor and industrial relations, a bill for an act relating to the access of confidential information collected by the department of employment services.

Read first time and placed on the **calendar**.

**House File 638**, by committee on agriculture, a bill for an act relating to administration and authority of the department of agriculture and land stewardship, by retitling administrative units, eliminating certain duties, and authorizing the department to engage in the sale, promotion, marketing, and exporting of agricultural products.

Read first time and placed on the **calendar**.

**House File 639**, by Swartz and Gruhn, a bill for an act relating to the supplementary weighting provided for pupils who attend vocational education classes provided by an area school and providing an effective date.

Read first time and referred to committee on **education**.

**House File 640**, by committee on state government, a bill for an act relating to state licensing of asbestos professionals who perform work in schools.

Read first time and placed on the **calendar**.

**House File 641**, by committee on human resources, a bill for an act relating to human immunodeficiency virus-related testing and counseling, and eliminating a penalty.

Read first time and placed on the **calendar**.

**House File 642**, by Schnekloth, a bill for an act requiring the state department of transportation to engage consultants by competitive bidding and prescribing procedures for such bidding.

Read first time and referred to committee on **state government**.

**House File 643**, by committee on state government, a bill for an act relating to the filing of a bond by out-of-state contractors.

Read first time and placed on the **calendar**.

**House File 644**, by committee on education, a bill for an act relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency.

Read first time and placed on the **calendar**.

**House File 645**, by committee on small business and commerce, a bill for an act relating to mortgage brokers and mortgage bankers.

Read first time and placed on the **calendar**.

**House File 646**, by Miller, a bill for an act relating to the maximum liability for all noneconomic damages awarded in certain tort actions.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 647**, by committee on state government, a bill for an act relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies.

Read first time and placed on the **calendar**.

**House File 648**, by committee on state government, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time and placed on the **calendar**.

**House File 649**, by committee on judiciary and law enforcement, a bill for an act allowing a person to obtain an independent chemical test of alcohol concentration in relation to an allegation of operating a motor vehicle while intoxicated, providing for submission of the independent test results at an administrative hearing, and providing for the Act's applicability.

Read first time and placed on the **calendar**.

**House File 650**, by committee on agriculture, a bill for an act relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

Read first time and placed on the **calendar**.

**House File 651**, by Doderer and Jay, a bill for an act relating to the regulation of insurance, establishing the office of consumer advocate of insurance, establishing a three-person insurance board, and providing for the appointment of a study committee to examine casualty insurance premium rates.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 652**, by Brammer, a bill for an act establishing a break the poverty cycle educational trust fund, providing an income tax deduction, and making an appropriation.

Read first time and referred to committee on **ways and means**.

#### SENATE MESSAGES CONSIDERED

**Senate File 83**, by Varn, a bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 205**, by Dieleman, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Read first time and referred to committee on **state government**.

**Senate File 255**, by committee on judiciary, a bill for an act relating to the priority of advances under line-of-credit mortgages.

Read first time and referred to committee on **small business and commerce**.

**Senate File 290**, by committee on judiciary, a bill for an act relating to a spouse relinquishing rights in a homestead and other inchoate dower rights.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 291**, by committee on judiciary, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

Read first time and referred to committee on **small business and commerce**.

**Senate File 363**, by committee on appropriations, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

Read first time and referred to committee on **appropriations**.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 123, a bill for an act relating to the compensation of election boards.

Also: That the Senate has on March 14, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 141, a bill for an act relating to the approval of the natural resource commission of county conservation board acquisitions or developments.

Also: That the Senate has on March 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 218, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

Also: That the Senate has on March 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to the annexation of territory including secondary roads.

Also: That the Senate has on March 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 332, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Also: That the Senate has on March 14, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 339, a bill for an act providing for delivering a deceased inmate's property to a designated person by the department of corrections.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

Continuing the observance of Women's History Month, Nielsen of Linn presented to the House two members of the Iowa Women's Hall of Fame, Mary Jane Odell (elected to the Hall of Fame in 1979) and Marguerite Esters Cothorn (elected to the Hall of Fame in 1986).

The House rose and expressed its welcome.

### SPECIAL PRESENTATION

Daggett of Adams presented to the House four members of the Iowa High School Rodeo Association who will participate in the national high school rodeo in July at Pueblo, Colorado: Jmijon Smith, Winterset; Jill Taylor, Mt. Ayr; Spencer Weeks, Buckingham; and Lori Boeddeker, Ft. Madison. They were accompanied by Steve Taylor who is National Director of the High School Rodeo Association.

The students have won numerous state and national titles in such categories as saddle bronc riding, bull riding, cattle cutting, bare back riding, steer wrestling, polebender, barrel racing, breakaway calf roping and goat tying as well as rookie cowboy of the year and all-around cowgirl. Lori is also the 1988 Queen of the Iowa High School Rodeo Association.

The House rose and expressed its welcome and congratulations.

### MOTION TO RECONSIDER WITHDRAWN

(House File 448)

Lundby of Linn asked and received unanimous consent to with-

draw the motion to reconsider House File 448, a bill for an act relating to the coverage of real estate agents under the workers' compensation law, filed by her on March 9, 1989.

### CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, previously deferred, and amendment H-3379, found on pages 805 and 806 of the House Journal.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-3379.

Halvorson of Clayton offered the following amendment H-3390 filed by him and Harbor of Mills and moved its adoption:

H-3390

- 1 Amend House File 535 as follows:
- 2 1. Page 45, line 15, by inserting after the word
- 3 "income." the following: "If the moneys provided to
- 4 school districts under this chapter, including the
- 5 additional moneys appropriated in this section, and
- 6 chapter 298, are insufficient for the school district
- 7 to comply with the new educational standards adopted
- 8 by the state board of education under section 256.17,
- 9 Code 1987, and standards contained in 1988 Iowa Acts,
- 10 chapter 1262, the board of directors of a school
- 11 district shall notify the department of education that
- 12 it is unable to meet one or more of the standards
- 13 because of insufficient funding and the district is
- 14 not required to meet that standard for accreditation
- 15 under section 256.11."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H-3390 be adopted?"  
(H.F. 535)

The ayes were, 33:

Arnould	Banks	Beaman	Branstad
Corbett	Daggett	De Groot	Eddie
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor

Hermann	Hester	Kistler	Kremer
Maulsby	McKean	McKinney	Miller
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Royer	Schneklloth	Shoning
Stromer	Stueland	Svoboda	Trent
Van Maanen			

The nays were, 58:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Gruhn	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lykam
May	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Poncy	Renaud	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Swartz	Tabor	Teaford
Wise	Mr. Speaker Avenson		

Absent or not voting, 9:

Bennett	Clark	Garman	Groninga
Lundby	Mertz	Osterberg	Rosenberg
Tyrrell			

Amendment H—3390 lost.

Arnould of Scott asked and received unanimous consent that House File 535 be deferred and that the bill retain its place on the calendar.

## REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, 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>
Sr. Legislative Research Analyst	Sharon Robinson	35-6	P-FT	03-14-89

The following are resignations from the officers and employees of the House:

<u>Position</u>	<u>Name</u>	<u>Eff. Date</u>
Legislative Research Analyst I	Janet Roewe Saldanha	03-13-89
Senior Caucus Staff Director	Sharon Robinson	03-13-89

TEAFORD of Black Hawk, Chair

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty students from Iowa Falls High School (nineteen from West Germany), Iowa Falls, accompanied by Don Ruhde. By Fuller of Hardin.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 366 Local Government**

Relating to deputy state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers.

#### **H.S.B. 367 State Government**

Relating to enhanced 911 emergency telephone communications systems.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 597**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

#### **House File 607**

Natural Resources and Outdoor Recreation: Jay, Chair; Black and Diemer.

#### **House File 630**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

#### **House File 646**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

#### **House File 651**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate Concurrent Resolution 4**

Agriculture: Muhlbauer, Chair; Koenigs and Stueland.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 350**

Energy and Environmental Protection: Johnson, Chair; Adams, Banks, Bisignano, Hatch, Lundby and McKean.

**House Study Bill 351**

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

**House Study Bill 355**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Jay.

**House Study Bill 356**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Trent.

**House Study Bill 357**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Renaud and Trent.

**House Study Bill 358**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Renaud and Trent.

**House Study Bill 359**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Halvorson of Clayton and Renaud.

**House Study Bill 360**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**House Study Bill 361**

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Siegrist.

**House Study Bill 362**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Siegrist.

**House Study Bill 363**

Judiciary and Law Enforcement: Jay, Chair; Hibbard and Siegrist.

**House Study Bill 364**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**House Study Bill 365**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House File 205), authorizing the imposition of an economic development tax levy by cities, counties, and special land use districts acting independently or jointly.

Fiscal Note is required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 27), relating to the financing for the community and rural development loan program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 132), relating to the use of federal and state funding sources to finance job training through vocational education.

Fiscal Note is required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 214), relating to the Iowa lottery by repealing the statutory provision which abolishes the lottery July 1, 1990.

Fiscal Note is required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 230), establishing primary and satellite research and marketing centers for economic development programs and services.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 259), establishing a science and technology foundation, and authorizing the issuance of bonds.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 15, 1989.

COMMITTEE ON HUMAN RESOURCES

**House File 164**, a bill for an act relating to the establishment of a health care insurance plan and a health care insurance pool, requiring employers participating in state grant programs to provide subsidized health care, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 3413** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 319), relating to victim counseling and services.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 26**, a bill for an act limiting the criminal and civil liability of certain persons who are responsible for the treatment and care of the mentally ill.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**House File 268**, a bill for an act relating to grandparent visitation rights and a determination that the visitations are in the best interests of the child.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 3419** March 15, 1989.

**House File 513**, a bill for an act prohibiting the theft of telephone service, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 129), relating to victim notification, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, and notification to victims by various departments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 238), relating to the registration of federal liens.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 241), relating to obscene and pornographic material and the sexual exploitation of a minor, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 295), relating to written credit agreements between a creditor and debtor and rights of action on that agreement.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 297), relating to salaries of the clerks of the district court.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 319**, a bill for an act relating to the establishment of benefited recreational lake districts.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**House File 420**, a bill for an act authorizing the board of supervisors to review and remand a decision of the board of adjustment.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**House File 465**, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities, or, by agreement, within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to issue special assessment bonds for the improvements, to establish and collect rates and charges to maintain and operate the improvements, and to enter into joint agreements with cities and other counties for these purposes, and by providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**House File 581**, a bill for an act authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House File 104), relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions by counties and cities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 281), relating to the amount of money retained by county treasurers for the issuance of registrations and plates for vehicles.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 291), relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto

messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 308), relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 331), relating to the establishment and financing of geographic data base systems by cities and counties.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 477**, a bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3426** March 15, 1989.

**House File 480**, a bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

Fiscal Note is not required.

**Reconsidered and Recommended Amend and Do Pass with amendment H—3418** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 312), to prohibit the willful obstruction or interference with a person who is lawfully hunting, fishing, trapping, or shooting, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 339), prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 343), authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 468**, a bill for an act relating to the advertisement and sale of wood building materials, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3415** March 15, 1989.

**Senate File 124**, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

**Committee Bill** (Formerly House File 253), relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state bank holding company.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House File 339), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House File 369), relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

## COMMITTEE ON WAYS AND MEANS

**House File 449**, a bill for an act providing property tax exemptions for lands dedicated as preserves.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 15, 1989.

## AMENDMENTS FILED

H—3408	H.F.	141	Senate Amendment
H—3409	H.F.	123	Senate Amendment
H—3410	H.F.	598	Hanson of Delaware

H-3411	S.F.	224	Spear of Lee
H-3412	H.F.	535	Harbor of Mills
			Halvorson of Clayton
H-3413	H.F.	164	Committee on Human Resources
H-3414	H.F.	534	May of Worth
H-3415	H.F.	468	Committee on Small Business and Commerce
H-3416	H.F.	535	Ollie of Clinton
			Wise of Lee
H-3417	H.F.	451	Hanson of Delaware
H-3418	H.F.	480	Committee on Natural Resources and Outdoor Recreation
H-3419	H.F.	268	Committee on Judiciary and Law Enforcement
H-3420	H.F.	429	Halvorson of Clayton
			Harbor of Mills
H-3421	H.F.	429	Halvorson of Clayton
			Harbor of Mills
H-3422	H.F.	429	Halvorson of Clayton
			Harbor of Mills
H-3423	S.F.	124	Halvorson of Clayton
H-3424	S.F.	224	Connolly of Dubuque
			Brown of Lucas
H-3425	H.F.	585	Clark of Cerro Gordo
H-3426	H.F.	477	Committee on Natural Resources and Outdoor Recreation
H-3427	S.F.	96	Hammond of Story

On motion by Arnould of Scott, the House adjourned at 10:31 a.m., until 9:00 a.m., Friday, March 17, 1989.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 17, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable John Connors, state representative from Polk County.

The Journal of Thursday, March 16, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gruhn of Dickinson, from three thousand two hundred constituents opposing riverboat gambling.

By Siegrist of Pottawattamie, from one hundred forty-four Lewis Central Middle School students favoring not allowing pornography in Iowa's prisons.

## INTRODUCTION OF BILLS

**House File 653**, by Halvorson of Webster, a bill for an act relating to the sale and distribution of wine.

Read first time and referred to committee on **state government**.

**House File 654**, by Hatch, Hammond, Brammer, Neuhauser, Shultz, Teaford, Harper, Buhr, Doderer, Rosenberg and Dvorsky, a bill for an act relating to programs to increase opportunity for minorities in postsecondary education and women and minorities in postsecondary faculty positions and making appropriations for the programs.

Read first time and referred to committee on **appropriations**.

**House File 655**, by committee on labor and industrial relations, a bill for an act relating to the second injury fund, by increasing payments to the fund in event of a job-related death, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 656**, by committee on agriculture, a bill for an act relating to reducing pollution by products purchased by the state, and by

setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind.

Read first time and placed on the **calendar**.

**House File 657**, by Swartz and Gruhn, a bill for an act relating to the costs of county office space provided to personnel of the department of human services and providing an effective date.

Read first time and referred to committee on **human resources**.

**House File 658**, by committee on small business and commerce, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 218**, by Deluhery and Lind, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

Read first time and referred to committee on **small business and commerce**.

**Senate File 300**, by committee on local government, a bill for an act relating to the annexation of territory including secondary roads.

Read first time and referred to committee on **local government**.

**Senate File 332**, by committee on commerce, a bill for an act relating to legal expense insurance by regulating the sale of contracts providing reimbursement for legal expenses in consideration of a specified payment for a period of time, establishing a premium tax, and providing penalties.

Read first time and referred to committee on **small business and commerce**.

**Senate File 339**, by committee on judiciary, a bill for an act providing for delivering a deceased inmate's property to a designated person by the department of corrections.

Read first time and referred to committee on **judiciary and law enforcement**.

#### PRESENTATION OF IRISH DIGNITARY

Fogarty of Palo Alto escorted to the Chief Clerk's station and

presented to the House Frank Fahey, T.D., Minister of State at the Department of Education, Republic of Ireland.

Mr. Fahey, accompanied by his wife Ethelle, is in Iowa to represent the Republic of Ireland at the 1989 St. Patrick's Celebration in Emmetsburg. He is from Kilbeacanty, Gort, County Galway, and has a particular interest and special responsibility for youth and sport and believes that development can contribute significantly to the Irish economy and generate tourist revenue.

Mr. Fahey addressed the House and the House rose and expressed its welcome.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rosenberg of Story on request of Jay of Appanoose; McKean of Jones and Osterberg of Linn on request of Gruhn of Dickinson.

### CONSIDERATION OF BILLS Regular Calendar

**House File 574**, a bill for an act relating to health and disability insurance and other third-party payor health and disability benefit providers, by prohibiting discrimination on the basis of sex or marital status in the issuance or operation of a policy, contract, or plan including the establishment of premium rates or other charges, providing an applicability date, and by making such discrimination an unfair and discriminatory practice under the jurisdiction of the civil rights commission, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-3407 filed by him and moved its adoption:

H-3407

- 1 Amend House File 574 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "renewable, issued," and inserting the following:
- 4 "issued".

Amendment H-3407 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. 574)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fuller	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kremer	Lykam	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Schrader	Sherzan
Shoning	Shoultz	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 43:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Koenigs	Lageschulte
Lundby	Maulsby	May	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shearer
Siegrist	Spear	Spenner	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 5:

Knapp	McKean	Osterberg	Rosenberg
Trent			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House File 574)

Chapman of Linn asked and received unanimous consent to immediately message House File 574 to the Senate.

**Senate File 96**, a bill for an act extending the existence of the Iowa health data commission, prohibiting contracting in cases of conflicts of interest, and providing requirements regarding the installation of computerized severity of illness systems, was taken up for consideration.

Hammond of Story offered the following amendment H—3384 filed by her and Fey of Scott:

H—3384

1 Amend Senate File 96, 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 145.3, subsection 3, Code  
6 1989, is amended by adding the following new  
7 paragraph:

8 NEW PARAGRAPH. k. Hospitals report nonsponsored  
9 patient care information to the commission. The  
10 information collected shall include the patient's age,  
11 sex, zip code, date of admission, medical procedures  
12 and discharge dates, primary and other diagnoses,  
13 principal and other medical procedures, total charges  
14 and components of those charges, attending physician  
15 identification number, and hospital identification  
16 number. The commission shall establish new payor  
17 codes on the UB-82 form which shall include but are  
18 not limited to indicators of nonsponsored services  
19 provided for which the hospital bills and expects  
20 payment, services provided to meet Hill-Burton  
21 requirements, services provided for which a hospital  
22 does not expect payment, and services provided for  
23 which the hospital issued a bill, expected payment,  
24 but did not receive payment. The commission shall  
25 provide for payment to hospitals submitting UB-82  
26 forms to the commission which contain the information  
27 regarding nonsponsored care as prescribed by this  
28 paragraph, in the amount of thirty cents per form  
29 submitted. The commission shall submit a report to  
30 the general assembly by January 1, 1990, and each  
31 January 1 thereafter, which includes the findings of  
32 the commission accumulated from the data submitted  
33 pursuant to this paragraph."

34 2. By renumbering as necessary.

Hammond of Story offered the following amendment H—3427, to  
amendment H—3384, filed by her and moved its adoption:

H—3427

1 Amend the amendment, H—3384, to Senate File 96, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 29, by striking the word  
5 "submitted." and inserting the following: "submitted,  
6 if the hospital does not expect payment for services  
7 provided. The staff of the commission in conjunction  
8 with the Iowa hospital association shall develop  
9 uniform procedures for the collection of the  
10 information. The collection of information under this  
11 paragraph shall begin January 1, 1990."

12 2. Page 1, line 30, by striking the figure "1990"  
13 and inserting the following: "1991".

A non-record roll call was requested.

The ayes were 25, nays none.

Amendment H—3427 was adopted.

Hammond of Story moved the adoption of amendment H—3384, as amended.

A non-record roll call was requested.

The ayes were 22, nays 57.

Amendment H—3384, as amended, lost.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 96)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Neuhauser
Nielsen	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker Avenson			

The nays were, 7:

Bennett	Maulsby	Miller	Muhlbauer
Pellett	Schneklloth	Van Maanen	

Absent or not voting, 4:

Doderer	McKean	Osterberg	Rosenberg
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1989, he approved and transmitted to the Secretary of State the following bills:

House File 17, an act relating to minimum wage requirements.

House File 292, an act relating to increasing license fees for certain persons engaged in the commercial care of animals.

Senate File 289, an act making a supplemental appropriation to the department of general services and providing an effective date.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-three sixth grade students from Garner-Hayfield Elementary School, Garner, accompanied by LeAnn Carroll, Nancy Nelson and Sandy Stille. By Branstad of Winnebago and Stromer of Hancock.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 622

State Government: Blanshan, Chair; Connors, Doderer, Hammond, Hanson of Delaware, Lundby and Renaud.

#### House File 624

State Government: Teaford, Chair; Connors, Garman, Halvorson of Webster, Hanson of Delaware, Knapp, Pavich and Renken.

#### House File 625

State Government: Blanshan, Chair; Halvorson of Webster and Hanson of Delaware.

#### House File 627

State Government: Knapp, Chair; Beatty, Poncey, Tyrrell and Van Maanen.

#### House File 642

State Government: Blanshan, Chair; Poncey and Renken.

#### Senate File 205

State Government: Hanson of Delaware, Chair; Beatty and Hammond.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 353 (Reassigned)

Transportation: Fey, Chair; Black and Spenner.

**House Study Bill 367**

State Government: Blanshan, Chair; Beatty and Hanson of Delaware.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House File 623**, a bill for an act relating to developing comprehensive management plans with owners of highly erodible land.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 459**, a bill for an act relating to the disposition of seizable and forfeitable property, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3436** March 15, 1989.

**House File 631**, a bill for an act to legalize proceedings of the City Council of the City of Bellevue relating to the letting of a construction contract.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 64), relating to court proceedings involving child support orders where the dependent child resides in another state.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 242), relating to harassment and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 344), increasing the penalty for certain vehicular homicide offenses.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 355), relating to retentions from payments to contractors on contracts for the construction of public improvements.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 356), relating to the regulation of alternate operator services and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 359), relating to the state public defender and the appointment of a state appellate defender.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 362), relating to accident reports filed with the state department of transportation.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 363), relating to the use of nontransferable letters of credit as security for deposit or investment of public funds provided to a public officer from a depository institution.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 542**, a bill for an act relating to reprisals and orders with respect to certain disclosures of information and other actions by employees of the state and its political subdivisions, providing penalties, providing civil remedies, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 151**, a bill for an act to provide for the enactment of county zoning ordinances, and providing an effective date.

Fiscal Note is not required.

Committee Action: **Failed to Pass.**

**House File 366**, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3437** March 15, 1989.

**House File 430**, a bill for an act authorizing the appointment or designation of a city health officer.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**House File 522**, a bill for an act relating to the filling of a vacancy on the county board of supervisors.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 496**, a bill for an act relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 1989.

COMMITTEE ON STATE GOVERNMENT

**House File 46**, a bill for an act relating to the prohibition of a candidate defeated in a primary election from having that candidate's name placed on the following general election ballot.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3444** March 16, 1989.

**House File 185**, a bill for an act changing the municipal and school campaign finance disclosure filing requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**House File 610**, a bill for an act relating to the state employees disability insurance program by revising the length of the waiting period for second and subsequent occurrences of a disability.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3445** March 16, 1989.

AMENDMENTS FILED

H-3428	H.F.	535	Spenner of Henry
H-3429	H.F.	350	Connolly of Dubuque
H-3430	H.F.	400	McKinney of Dallas
H-3431	S.F.	224	Spenner of Henry
H-3432	H.F.	535	Stromer of Hancock
H-3433	H.F.	535	Ollie of Clinton
H-3434	H.F.	645	Kremer of Buchanan
H-3435	H.F.	253	Spear of Lee

H-3436	H.F.	459	Committee on Judiciary and Law Enforcement
H-3437	H.F.	366	Committee on Local Government
H-3438	H.F.	152	Spear of Lee
H-3439	H.F.	535	Daggett of Adams
H-3440	H.F.	619	Spear of Lee
H-3441	H.F.	477	Spear of Lee
H-3442	H.F.	535	Carpenter of Polk Ollie of Clinton Siegrist of Pottawattamie
H-3443	H.F.	535	Buhr of Polk Carpenter of Polk Chapman of Linn Diemer of Black Hawk Hansen of Woodbury Sherzan of Polk Beatty of Warren Doderer of Johnson Shoultz of Black Hawk Bisignano of Polk Jochum of Dubuque Harper of Black Hawk Renaud of Polk Pavich of Pottawattamie Dvorsky of Johnson Siegrist of Pottawattamie
			Connors of Polk Brammer of Linn Poncy of Wapello Connolly of Dubuque Hermann of Scott Shoning of Woodbury Nielsen of Linn Metcalf of Polk Groninga of Cerro Gordo Holveck of Polk Lykam of Scott Teaford of Black Hawk Lundby of Linn Peters of Woodbury
H-3444	H.F.	46	Committee on State Government
H-3445	H.F.	610	Committee on State Government
H-3446	H.F.	535	Neuhauser of Johnson
H-3447	H.F.	535	Neuhauser of Johnson

On motion by Arnould of Scott, the House adjourned at 12:06 p.m., until 10:00 a.m., Monday, March 20, 1989.

# JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 20, 1989

The House met pursuant to adjournment, Speaker pro tempore Connors of Polk in the chair.

Prayer was offered by Father Paul Kelly, pastor of the Immaculate Conception Parish, Graettinger.

The Journal of Friday, March 17, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

Shoning of Woodbury from thirty-two constituents from the Third District, opposing House File 316, a bill for an act requiring a multicultural, nonsexist approach in all accredited schools.

Also: from thirty-four constituents from the Third District opposing House File 351, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton, on request of Brammer of Linn; Kremer of Buchanan, on request of Tyrrell of Iowa; Svoboda of Tama, on request of Peterson of Carroll; Halvorson of Webster, on request of Connolly of Dubuque; Pellett of Cass, on request of Stueland of Clinton and Harper of Black Hawk, on request of Teaford of Black Hawk, all until their arrival.

## INTRODUCTION OF BILLS

**House File 659**, by committee on education, a bill for an act relating to a guaranteed student loan payment program, providing for loans to nurses, math-science teachers, and occupational therapists.

Read first time and placed on the **calendar**.

**House File 660**, by committee on energy and environmental protection, a bill for an act requiring the performance of monthly fuel surveys by the department of natural resources.

Read first time and placed on the **calendar**.

**House File 661**, by committee on judiciary and law enforcement, a bill for an act relating to salaries of the clerks of the district court.

Read first time and placed on the **calendar**.

**House File 662**, by committee on judiciary and law enforcement, a bill for an act relating to court proceedings involving child support orders where the dependent child resides in another state.

Read first time and placed on the **calendar**.

**House File 663**, by committee on transportation, a bill for an act requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable.

Read first time and placed on the **calendar**.

**House File 664**, by committee on transportation, a bill for an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight.

Read first time and placed on the **calendar**.

**House File 665**, by committee on natural resources and outdoor recreation, a bill for an act authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes.

Read first time and placed on the **calendar**.

## CONSIDERATION OF BILLS Regular Calendar

**House File 451**, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, was taken up for consideration.

Blanshan of Greene offered the following amendment H—3389 filed by him:

H—3389

- 1 Amend House File 451 as follows:
- 2 1. Page 1, by striking line 17 and inserting the
- 3 following: "include an audit of activity funds.
- 4 Subject to the exceptions and requirements of
- 5 subsection 2, examinations shall be".
- 6 2. Page 1, by inserting after line 21 the
- 7 following:
- 8 "2. a. In the case of a merged area school
- 9 established under chapter 280A, the examination shall

10 be made by the auditor of state.

11 b. A city, school district, county, county  
12 hospital, or memorial hospital desiring to contract  
13 with or employ certified public accountants shall  
14 utilize procedures which include a request for  
15 proposals.”

16 3. Page 1, line 22, by striking the figure “2”  
17 and inserting the following: “3”.

18 4. By striking page 1, line 31 through page 2,  
19 line 7, and inserting the following:

20 “4. In addition to the powers and duties under  
21 other provisions of the Code, the auditor of state may  
22 at any time cause to be made a complete or partial  
23 reaudit of the financial condition and transactions of  
24 any city, county, county hospital, memorial hospital,  
25 merged area, area education agency, school  
26 corporation, township, or other governmental  
27 subdivision, or an office of any of these, if one of  
28 the following conditions exists:

29 a. The auditor of state has probable cause to  
30 believe such action is necessary in the public  
31 interest because of a material deficiency in an audit  
32 of the governmental subdivision filed with the auditor  
33 of state or because of a substantial failure of the  
34 audit to comply with the standards and procedures  
35 established and published by the auditor of state.

36 b. The auditor of state receives from an elected  
37 official or employee of the governmental subdivision a  
38 written request for a complete or partial reaudit of  
39 the governmental subdivision.

40 c. The auditor of state receives a petition signed  
41 by at least fifty eligible electors of the  
42 governmental subdivision requesting a complete or  
43 partial reaudit of the governmental subdivision.  
44 The”.

45 5. Page 2, line 16, by striking the figure “4”  
46 and inserting the following: “5”.

47 6. Page 2, line 21, by striking the figure “5”  
48 and inserting the following: “6”.

49 7. Page 2, line 28, by striking the figure “6”  
50 and inserting the following: “7”.

## Page 2

1 8. Page 2, line 35, by striking the figure “7”  
2 and inserting the following: “8”.

3 9. Page 3, line 11, by striking the figure “8”  
4 and inserting the following: “9”.

5 10. Page 3, by striking lines 13 and 14 and  
6 inserting the following: “shall be audited annually  
7 by the auditor of state.”

8 11. Page 3, line 18, by striking the figure “9”

- 9 and inserting the following: "10".  
 10 12. Page 3, line 20, by striking the word and  
 11 figures "1 and 2" and inserting the following: "1  
 12 through 3".  
 13 13. Page 3, line 24, by striking the figure "3"  
 14 and inserting the following: "4".  
 15 14. Page 3, line 25, by striking the figure "4"  
 16 and inserting the following: "5".  
 17 15. Page 3, line 26, by striking the figure "3"  
 18 and inserting the following: "4".  
 19 16. Page 5, line 18, by inserting after the word  
 20 "audited" the following: "by the auditor of state".

Hanson of Delaware offered the following amendment H—3417,  
 to amendment H—3389, filed by him and moved its adoption:

H—3417

- 1 Amend the amendment, H—3389, to House File 451 as  
 2 follows:  
 3 1. Page 2, by inserting after line 18 the  
 4 following:  
 5 "\_\_\_\_\_. Page 3, by inserting after line 28 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 11.9, Code 1989, is amended to  
 8 read as follows:  
 9 11.9 COUNTY, MUNICIPAL AND SCHOOL AUDITORS'  
 10 SALARIES AND EXPENSES.  
 11 County Except as otherwise provided in section  
 12 11.6, subsection 4, for reaudits, county, municipal  
 13 and school auditors and their assistants shall, in  
 14 addition to salary, be reimbursed for their actual and  
 15 necessary expenses. Salary payments shall include a  
 16 prorated amount for vacation and sick leave. All  
 17 payments shall be paid from funds in the state  
 18 treasury upon certification of the auditor of state,  
 19 and the general fund shall be reimbursed as provided  
 20 in sections 11.20 and 11.21."  
 21 2. Page 2, by inserting after line 20 the fol-  
 22 lowing:  
 23 "\_\_\_\_\_. Page 5, line 33, by striking the words and  
 24 figures "Sections 11.9 and 11.18, Code 1989, are" and  
 25 inserting the following: "Section 11.18, Code 1989,  
 26 is".  
 27 \_\_\_\_\_. By numbering and renumbering as necessary."  
 28 3. By numbering and renumbering as necessary.

Amendment H—3417 was adopted.

Mertz of Kossuth asked and received unanimous consent to defer  
 action on amendment H—3389, as amended.

Blanshan of Greene offered the following amendment H—3300 filed by him and moved its adoption:

H—3300

- 1 Amend House File 451 as follows:
- 2 1. Page 4, line 12, by striking the words "state
- 3 accountants" and inserting the following: "state ac-
- 4 ~~countants~~ the auditor of state".

Amendment H—3300 was adopted.

Arnould of Scott asked and received unanimous consent that House File 451 be deferred and that the bill retain its place on the calendar.

**House File 475**, a bill for an act providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment 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. 475)

The ayes were, 90:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Adams	Avenson, Spkr.	Halvorson, R. N.	Harper
Jay	Kremer	Osterberg	Pellett
Shoning	Tabor		

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 11:25 a.m., Connors of Polk in the chair.

The House resumed consideration of **House File 451**, a bill for an act relating to audits, amending provisions governing audits of governmental subdivisions and revising the powers and duties of the auditor of state with respect to such audits, providing for payment to the auditor of state for certain advisory and consultative services, providing for filing fees, providing properly related matters, and providing an effective date, and amendment H—3389, as amended, previously deferred, (found on pages 844 through 846 of the House Journal).

Mertz of Kossuth offered the following amendment H—3450, to amendment H—3389, filed by her from the floor and moved its adoption:

H—3450

- 1 Amend amendment, H—3389, to House File 451 as
- 2 follows:
- 3 1. Page 2, by striking lines 5 through 7.

Amendment H—3450 was adopted.

Division of amendment H—3389, as amended, was requested as follows:

- H—3389A — all of page 1 and page 2, lines 1 through 18.  
 H—3389B — page 2, lines 19 and 20.

On motion by Blanshan of Greene, amendment H—3389A, as amended, was adopted.

On motion by Blanshan of Greene, amendment H—3389B lost.

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. 451)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, none.

Absent or not voting, 7:

Avenson, Spkr.	Connolly	Halvorson, R. N.	Harbor
Hatch	Kremer	Metcalf	

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 666**, by committee on education, a bill for an act to repeal the provision repealing the postsecondary options Act.

Read first time and placed on the **calendar**.

**House File 667**, by committee on local government, a bill for an act relating to the amount of money retained by county treasurers for the issuance of registrations and plates for vehicles.

Read first time and placed on the **calendar**.

**House File 668**, by committee on local government, a bill for an

act relating to deputy state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers.

Read first time and placed on the **calendar**.

**House File 669**, by committee on natural resources and outdoor recreation, a bill for an act prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty.

Read first time and placed on the **calendar**.

**House File 670**, by committee on education, a bill for an act relating to the number of days and hours of instruction in school per school day.

Read first time and placed on the **calendar**.

**House File 671**, by committee on economic development, a bill for an act relating to the Iowa lottery by repealing the statutory provision which abolishes the lottery July 1, 1990.

Read first time and placed on the **calendar**.

**House File 672**, by committee on judiciary and law enforcement, a bill for an act relating to harassment and providing penalties.

Read first time and placed on the **calendar**.

**House File 673**, by committee on transportation, a bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Read first time and placed on the **calendar**.

**House File 674**, by committee on human resources, a bill for an act relating to victim counseling and services.

Read first time and placed on the **calendar**.

**House File 675**, by committee on local government, a bill for an act relating to the establishment and financing of geographic data base systems by cities and counties.

Read first time and placed on the **calendar**.

**House File 676**, by committee on judiciary and law enforcement, a bill for an act relating to the registration of federal liens.

Read first time and placed on the **calendar**.

**House File 677**, by committee on judiciary and law enforcement, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement.

Read first time and placed on the **calendar**.

**House File 678**, by committee on state government, a bill for an act relating to certain filings with the secretary of state by nonprofit corporations.

Read first time and placed on the **calendar**.

**House File 679**, 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 placed on the **calendar**.

On motion by Arnould of Scott, the House was recessed at 12:35 p.m., until 2:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

#### CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, previously deferred.

Maulsby of Calhoun offered the following amendment H-3370 filed by him and moved its adoption:

H-3370

- 1 Amend House File 535 as follows:
- 2 1. Page 52, line 1, by striking the word "voter-
- 3 approved".
- 4 2. Page 53, lines 9 and 10, by striking the word
- 5 "voter-approved".
- 6 3. Page 55, line 9, by striking the word "voter-
- 7 approved".
- 8 4. Page 55, line 19, by striking the word "voter-
- 9 approved".

- 10 5. Page 55, line 23, by striking the word "voter-  
11 approved".
- 12 6. Page 55, line 25, by striking the word "voter-  
13 approved".
- 14 7. Page 70, by striking line 13 and inserting the  
15 following: "physical plant and equipment levy".
- 16 8. Page 74, line 33, by striking the word "voter-  
17 approved".
- 18 9. Page 75, line 7, by striking the word "voter-  
19 approved".
- 20 10. Page 75, line 23, by striking the word  
21 "voter-approved".
- 22 11. Page 75, line 29, by striking the word  
23 "voter-approved".
- 24 12. Page 75, lines 32 and 33, by striking the  
25 word "voter-approved".
- 26 13. Page 76, line 9, by striking the word "voter-  
27 approved".
- 28 14. Page 76, line 24, by striking the word  
29 "voter-approved".
- 30 15. Page 77, by striking lines 3 through 13 and  
31 inserting the following: "district is established.  
32 The".
- 33 16. Page 77, by striking lines 16 through 19.
- 34 17. Page 77, line 25, by striking the word  
35 "voter-approved".
- 36 18. Page 77, line 29, by striking the word  
37 "voter-approved".
- 38 19. Page 77, line 34, by striking the word  
39 "voter-approved".
- 40 20. By striking page 77, line 35, through page  
41 78, line 1, and inserting the following: "Voters have  
42 not voted upon the proposition to levy the physical  
43 plant and equipment levy in the reorganized".
- 44 21. Page 78, line 2, by striking the word "voter-  
45 approved".
- 46 22. Page 78, line 15, by striking the word  
47 "voter-approved".
- 48 23. Page 78, line 17, by striking the word  
49 "LEVIES" and inserting the following: "LEVY".
- 50 24. Page 78, line 18, by striking the words

## Page 2

- 1 "regular and voter-approved".
- 2 25. Page 78, line 19, by striking the word  
3 "levies" and inserting the following: "levy".
- 4 26. Page 80, line 12, by striking the words  
5 "voter-approved".
- 6 27. By renumbering as necessary.

Amendment H — 3370 lost.

The House resumed consideration of amendment H—3348C, found on page 782 of the House Journal.

Stromer of Hancock moved the adoption of amendment H—3348C.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—3348C be adopted?" (H.F. 535)

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Hibbard	Kistler	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schneklath	Shoning	Spenner
Stromer	Stueland	Tyrrell	Van Maanen

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 7:

Avenson, Spkr.	Halvorson, R. N.	Hatch	Kremer
Plasier	Rosenberg	Trent	

Amendment H—3348C lost.

Maulsby of Calhoun offered the following amendment H—3369 filed by him:

H—3369

- 1 Amend House File 535 as follows:
- 2 1. Page 55, by inserting after line 10 the fol-

3 lowing:  
 4 "Sec. \_\_\_\_\_. Section 277.3, Code 1989, is amended by  
 5 adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. A resident of a school  
 7 district who has children that are enrolled in school  
 8 in another school district under section 282.18, is an  
 9 eligible elector of the school district in which the  
 10 children are enrolled and is not an eligible elector  
 11 of the school district in which the children reside."

Ollie of Clinton rose on a point of order that amendment H—3369 was not germane.

The Speaker ruled the point not well taken and amendment H—3369 germane.

On motion by Maulsby of Calhoun, amendment H—3369 lost.

Neuhauser of Johnson asked and received unanimous consent to withdraw amendment H—3368 filed by her on March 13, 1989, and amendment H—3447, to amendment H—3368, filed by her on March 17, 1989.

The House resumed consideration of amendment H—3348D, found on page 782 of the House Journal.

Stromer of Hancock offered the following amendment H—3381, to amendment H—3348D, filed by him and moved its adoption:

H—3381

1 Amend amendment H—3348 to House File 535 as  
 2 follows:  
 3 1. Page 1, line 27, by inserting after the word  
 4 "dollars" the words "per student".

Amendment H—3381 was adopted.

Stromer of Hancock moved the adoption of amendment H—3348D, as amended.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—3348D, as amended, be adopted?" (H.F. 535)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor

Hermann	Hester	Hibbard	Kistler
Lageschulte	Lundby	Maulsby	McKean
Mertz	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklath
Shoning	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 58:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Diemer	Doderer	Dvorsky
Fey	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poney
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

Absent or not voting, 3:

Arnould	Avenson, Spkr.	Kremer
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Amendment H—3348D, as amended, lost.

The House resumed consideration of amendment H—3348E, found on page 782 of the House Journal.

Stromer of Hancock moved the adoption of amendment H—3348E.

Roll call was requested by Stromer of Hancock and Schneklath of Scott.

Rule 75 was invoked.

On the question "Shall amendment H—3348E be adopted?" (H.F. 535)

The ayes were, 45:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hibbard	Kistler	Koenigs
Lageschulte	Lundby	Maulsby	May

McKean	Mertz	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Connolly
Doderer	Dvorsky	Fey	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Lykam	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 2:

Avenson, Spkr. Kremer

Amendment H—3348E lost.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3348F.

Harbor of Mills asked and received unanimous consent to withdraw amendment H—3412 filed by him and Halvorson of Clayton on March 16, 1989.

Spenner of Henry offered the following amendment H—3428 filed by him:

H—3428

- 1 Amend House File 535 as follows:
- 2 1. Page 85, by inserting after line 6 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 808A.1, subsection 4, paragraph
- 5 d, Code 1989, is amended to read as follows:
- 6 d. A school locker, desk, or other facility or
- 7 space issued or assigned to, or chosen by, the student
- 8 for the storage of personal belongings of any kind,
- 9 which the student locks or is permitted to lock.
- 10 School officials may conduct periodic inspections of
- 11 all school lockers. ~~However, the school district~~
- 12 ~~shall provide notice to the students, at least twenty-~~

13 four hours prior to the inspection, of the date and  
14 time of the inspection.  
15 Sec. \_\_\_\_\_. Section 808A.2, subsection 3, paragraph  
16 c, Code 1989, is amended by striking the paragraph."  
17 2. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment H—3428 was not germane.

The Speaker ruled the point well taken and amendment H—3428 not germane.

Carpenter of Polk offered the following amendment H—3442 filed by her and moved its adoption:

H—3442

1 Amend House File 535 as follows:  
2 1. Page 33, by inserting after line 33 the  
3 following:  
4 "\_\_\_\_\_. At the request of a school district meeting  
5 the requirements of this subsection, the committee may  
6 establish a modified allowable growth for a budget  
7 year by increasing the allowable growth of the  
8 district on a temporary basis to provide additional  
9 moneys for programs for gifted and talented pupils.  
10 The amount that may be raised by additional allowable  
11 growth is equal to nine-tenths percent multiplied by  
12 the product of the district cost per pupil of the  
13 district for the budget year beginning July 1, 1989,  
14 multiplied by the district's budget enrollment for the  
15 budget year beginning July 1, 1989, less the funding  
16 received by the district under the amount added to  
17 district cost per pupil for those programs under  
18 section 257.10 for the budget year for which the  
19 request is made multiplied by the district's budget  
20 enrollment for that budget year.  
21 In order to receive the increase in allowable  
22 growth for a budget year, the school district must  
23 meet both of the following:  
24 a. The school district is not receiving revenues  
25 from the instructional support program for the budget  
26 year.  
27 b. The school district is using funding in an  
28 amount equal to three-tenths percent multiplied by the  
29 product of the district cost per pupil of the district  
30 for the budget year beginning July 1, 1989, and the  
31 district's budget enrollment for the budget year  
32 beginning July 1, 1989, obtained from its district  
33 cost for the budget year for which the request is made  
34 to fund the costs of the program for gifted and  
35 talented pupils."

36 2. Page 85, by inserting after line 27 the  
 37 following:  
 38 "Sec. 103A. PROGRAMS FOR TALENTED AND GIFTED  
 39 PUPILS FOR 1990-1991.  
 40 \_\_\_\_\_. At the request of a school district meeting  
 41 the requirements of this subsection, the school budget  
 42 review committee may establish a modified allowable  
 43 growth for the budget year beginning July 1, 1990, by  
 44 increasing the allowable growth of the district on a  
 45 temporary basis to provide additional moneys for  
 46 programs for gifted and talented pupils. The amount  
 47 that may be raised by additional allowable growth is  
 48 equal to nine-tenths percent multiplied by the product  
 49 of the district cost per pupil of the district for the  
 50 budget year beginning July 1, 1989, multiplied by the

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1 district's budget enrollment for the budget year  
 2 beginning July 1, 1989, less the funding received by  
 3 the district under section 103 for the program.  
 4 In order to receive the increase in allowable  
 5 growth for the budget year beginning July 1, 1990, the  
 6 school district must use funding in an amount equal to  
 7 three-tenths percent multiplied by the product of the  
 8 district cost per pupil of the district for the budget  
 9 year beginning July 1, 1989, and the district's budget  
 10 enrollment for the budget year beginning July 1, 1989,  
 11 obtained from its district cost for the budget year  
 12 beginning July 1, 1990, to fund the costs of the  
 13 program for gifted and talented pupils."  
 14 3. Page 85, line 34, by striking the word and  
 15 figure "and 103" and inserting the following: "103,  
 16 and 103A".

Amendment H—3442 was adopted.

Neuhauser of Johnson offered the following amendment H—3446  
 filed by her:

**H—3446**

1 Amend House File 535 as follows:  
 2 1. Page 47, by inserting after line 14 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 256A.3, subsection 5, Code  
 5 1989, is amended to read as follows:  
 6 5. Subject to the availability of funds  
 7 appropriated or otherwise available for the purpose of  
 8 providing child development services, award grants for  
 9 programs that provide new or additional child  
 10 development services to at-risk children and that  
 11 provide programs for three and four year old children.  
 12 Sec. \_\_\_\_\_. Section 256A.3, Code 1989, is amended by  
 13 adding the following new subsections:

14 NEW SUBSECTION. 9. Subject to a decision by the  
15 council to initiate the programs, develop criteria for  
16 and award grants under section 279.51, subsection 1,  
17 paragraph "b".

18 NEW SUBSECTION. 10. Encourage the establishment  
19 of programs that will enhance the skills of parents in  
20 parenting and in providing for the learning and  
21 development of their children."

22 2. By striking page 57, line 8, through page 58,  
23 line 4, and inserting the following:

24 "Sec. \_\_\_\_\_. NEW SECTION. 279.51 PROGRAMS FOR AT-  
25 RISK CHILDREN.

26 1. There is appropriated from the general fund of  
27 the state to the department of education for the  
28 fiscal year beginning July 1, 1990, the sum of eleven  
29 million two hundred thousand dollars. For each  
30 succeeding fiscal year, there is appropriated the  
31 amount appropriated for the previous fiscal year plus  
32 an additional amount equal to the state percent of  
33 growth as calculated in section 257.8 multiplied by  
34 the amount appropriated the previous fiscal year as  
35 follows:

36 a. Two hundred fifty thousand dollars of the funds  
37 appropriated shall be allocated to the area education  
38 agencies to assist school districts in developing  
39 program plans and budgets under this section and to  
40 assist school districts in meeting other  
41 responsibilities in early childhood education.

42 b. Six million one hundred fifteen thousand  
43 dollars of the funds appropriated shall be allocated  
44 to the child development coordinating council  
45 established in chapter 256A for the purposes set out  
46 in subsection 2 of this section and section 256A.3.

47 c. For each of the fiscal years during the fiscal  
48 period beginning July 1, 1990, and ending June 30,  
49 1994, eight hundred thousand dollars of the funds  
50 appropriated shall be allocated for the school-based

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1 youth services education program established in  
2 subsection 3. Subject to the approval of the state  
3 board of education, the allocation made in this  
4 paragraph may be renewed for additional four-year  
5 periods of time.

6 d. Four million dollars of the funds appropriated  
7 shall be allocated as grants to school districts that  
8 have schools that demonstrate the greatest need for  
9 programs for at-risk students with preference given to  
10 innovative programs for the early elementary school  
11 years.

12 2. Funds allocated under subsection 1, paragraph

13 "b", shall be used by the child development  
14 coordinating council to continue funding for programs  
15 previously funded by grants awarded under section  
16 256A.3.

17 3. A school-based youth services education program  
18 is established. The department of education, in  
19 consultation with the department of human services,  
20 the department of employment services, the Iowa  
21 department of public health, and the division of job  
22 training and entrepreneurship assistance of the  
23 department of economic development, shall develop a  
24 four-year demonstration grant program that commences  
25 in the fiscal year beginning July 1, 1990. The  
26 department shall provide grants to individual middle  
27 schools or high schools to establish school-based  
28 youth services programs based upon program plans filed  
29 by the board of directors of the school district.  
30 Priority shall be given to schools with student  
31 populations characterized by high rates of a number of  
32 the following: school dropout and absenteeism;  
33 teenage pregnancy; juvenile court involvement;  
34 unemployment; teenage suicide; and teenage mental  
35 health, substance abuse, and other health problems.  
36 The department shall evaluate proposed programs based  
37 upon the department's analysis of effectiveness in  
38 reducing these rates within the schools.

39 Additional objectives of the programs shall be: to  
40 increase the ability of existing agencies within the  
41 community to address the multiple problems of  
42 teenagers and to coordinate their activities, to  
43 provide an accessible and attractive center for  
44 teenagers in or near school that they are most likely  
45 to use, and to facilitate joint planning to make the  
46 most economic and innovative use of community  
47 resources. Programs shall at a minimum provide job  
48 training and employment services, mental health and  
49 family counseling services, and primary health care  
50 services that include but are not limited to physical

**Page 3**

1 examinations, immunizations, hearing and vision  
2 screening, and preventive and primary health care  
3 services, in the context of the educational needs of  
4 the students. The department shall give additional  
5 consideration to program proposals that provide access  
6 to the center after school, in the evening and on  
7 weekends, and during the summer; that provides a  
8 twenty-four hour telephone hotline or similar service;  
9 and that provides access to day care or on-site day  
10 care.

11 The plan shall include the appointment by the board

12 of a local advisory board for each proposed program,  
13 which at a minimum shall include a representative of  
14 the private industry council serving the area, parents  
15 of children enrolled in the school, a teacher  
16 recommended by the local teachers association, a  
17 representative from the health and mental health com-  
18 munity in the area, teenagers enrolled in the school  
19 and recommended by the school student government, a  
20 representative from the nonprofit provider community,  
21 and a representative from the juvenile court system  
22 serving the area. Management of the program may be by  
23 the school, a single nonprofit organization, or a  
24 public organization that receives and administers  
25 funds.

26 Program proposals shall include a written  
27 commitment from the school principal and the board of  
28 directors that the school will work to coordinate and  
29 integrate existing school services and activities with  
30 the center and shall include letters of support for  
31 the proposal from the local teachers association;  
32 parent-teacher organizations; community organizations;  
33 nonprofit agencies providing social services, health,  
34 or employment services in the area; and the area  
35 private industry council.

36 Grants for the program shall not be used to  
37 construct a new facility, but up to ten percent of the  
38 grant may be used to renovate an existing structure.  
39 In addition, up to ten percent of the grant funds may  
40 be used to provide each of the following service  
41 categories: day care, transportation, and recreation.

42 Program proposals shall include a contribution of  
43 at least twenty percent of the total costs of the  
44 program, which can include "in-kind" services.  
45 Partnerships between the public and private sectors  
46 are particularly encouraged. The budget for a  
47 proposed program shall not exceed two hundred thousand  
48 dollars per year.

49 4. The state board of education shall adopt rules  
50 under chapter 17A for the administration of this

**Page 4**

1 section." "

Groninga of Cerro Gordo in the chair at 3:39 p.m.

Plasier of Sioux offered the following amendment H-3465, to amendment H-3446, filed by him and Knapp of Dubuque from the floor and moved its adoption:

H—3465

- 1 Amend amendment, H—3446, to House File 535 as  
 2 follows:  
 3 1. Page 3, line 4, by inserting after the word  
 4 "students." the following: "Programs shall not  
 5 include abortion counseling or the dispensing of  
 6 contraceptive materials."

Amendment H—3465 was adopted.

Garman of Story offered the following amendment H—3466, to amendment H—3446, filed by her from the floor and moved its adoption:

H—3466

- 1 Amend the amendment, H—3446, to House File 535 as  
 2 follows:  
 3 1. Page 3, line 22, by inserting after the word  
 4 "area." the following: "The plan shall also include a  
 5 requirement that written consent of the parent or  
 6 guardian be provided for each pupil participating in  
 7 the program."

Roll call was requested by Van Maanen of Mahaska and Hermann of Scott.

On the question "Shall amendment H—3466 be adopted?"  
 (H.F. 535)

The ayes were, 47:

Banks	Beaman	Bennett	Bisignano
Black	Brand	Branstad	Connors
Corbett	Daggett	De Groot	Eddie
Fogarty	Garman	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Haverland
Hermann	Kistler	Lageschulte	Lundby
Maulsby	McKean	McKinney	Mertz
Miller	Pellett	Peters	Petersen, D. F.
Plasier	Renaud	Renken	Royer
Schneklloth	Shoning	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	

The nays were, 50:

Adams	Arnould	Beatty	Blanshan
Brammer	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Diemer
Doderer	Dvorsky	Fey	Fuller
Halvorson, R. N.	Hammond	Harper	Hatch
Hester	Hibbard	Holveck	Jay

Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Tabor	Teaford
Wise	Groninga		
	Presiding		

Absent or not voting, 3:

Avenson, Spkr.    Clark                      Kremer

Amendment H—3466 lost.

Garman of Story offered the following amendment H—3460, to amendment H—3446, filed by her from the floor and moved its adoption:

H—3460

- 1 Amend amendment, H—3446, to House File 535 as
- 2 follows:
- 3 1. Page 3, by striking lines 22 through 25 and
- 4 inserting the following: "serving the area.
- 5 Management of the program shall be by the school."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 52, nays 44.

Amendment H—3460 was adopted.

Garman of Story offered the following amendment H—3461, to amendment H—3446, filed by her from the floor and moved its adoption:

H—3461

- 1 Amend amendment, H—3446, to House File 535 as
- 2 follows:
- 3 1. Page 3, by striking lines 45 and 46 and
- 4 inserting the following: "The budget for a".

Amendment H—3461 lost.

Connors of Polk in the chair at 4:39 p.m.

Neuhauser of Johnson offered amendment H—3472, to amendment H—3446, filed by her from the floor and requested division as follows:

H-3472

1 Amend the amendment, H-3446, to House File 535 as  
2 follows:

H-3472A

3 1. Page 1, by striking lines 5 through 11 and  
4 inserting the following: "1989, is amended by adding  
5 the following new unnumbered paragraph:  
6 NEW UNNUMBERED PARAGRAPH. Program grants funded  
7 under this subsection may integrate children not  
8 meeting at-risk criteria into the program and shall  
9 establish a fee for participation in the program in  
10 the manner provided in section 279.49, but grant funds  
11 shall not be used to pay the costs for those  
12 children."

13 2. Page 1, by striking lines 16 and 17 and  
14 inserting the following: "and award grants under  
15 section 279.51, subsection 2."

16 3. Page 1, line 36, by striking the word "fifty"  
17 and inserting the following: "seventy-five".

18 4. Page 1, line 42, by striking the word  
19 "fifteen" and inserting the following: "twenty-five".

20 5. Page 2, line 8, by inserting before the word  
21 "schools" the following: "elementary".

22 6. Page 2, by inserting after line 11 the follow-  
23 ing:

24 "e. Additional funds available under this  
25 subsection as a result of additional growth provided  
26 to the appropriation shall be distributed equally  
27 between paragraphs "b" and "d"."

28 7. Page 2, by striking lines 12 through 16 and  
29 inserting the following:

30 "2. Funds allocated under subsection 1, paragraph  
31 "b", shall be used by the child development  
32 coordinating council for the following:

33 a. To continue funding for programs previously  
34 funded by grants awarded under section 256A.3 and to  
35 provide additional grants under section 256A.3. The  
36 council shall seek to provide grants on the basis of  
37 the location within the state of children meeting at-  
38 risk definitions.

39 b. At the discretion of the child development  
40 coordinating council, award grants for the following:

41 (1) To school districts to establish programs for  
42 three-year, four-year, and five-year old at-risk  
43 children which is a combination of preschool and full-  
44 day kindergarten.

45 (2) To provide grants to provide educational  
46 support services to parents of at-risk children age  
47 birth through three years."

H-3472B

48 8. Page 3, line 10, by inserting after the word  
49 "care." the following: "Moneys allocated for programs  
50 under this subsection shall not be used for

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1 contraceptive services."

H-3472A

2 9. Page 3, by inserting after line 48 the  
3 following:  
4 "\_\_\_\_\_. The department shall seek assistance from  
5 the first in the nation in education foundation  
6 established in chapter 257A and other foundations and  
7 public and private agencies in the evaluation of the  
8 programs funded under this section, and in the  
9 provision of support to school districts in developing  
10 and implementing the programs funded under this  
11 section."  
12 10. By renumbering as necessary.

Neuhauser of Johnson asked and received unanimous consent to withdraw amendment H-3472B.

On motion by Neuhauser of Johnson, amendment H-3472A, to amendment H-3446, was adopted.

Corbett of Linn offered the following amendment H-3473, to amendment H-3446, filed by him from the floor and moved its adoption:

H-3473

1 Amend the amendment H-3446 to House File 535 as  
2 follows:  
3 1. Page 1, by striking lines 47 through 49 and  
4 inserting the following:  
5 "c. Two hundred thousand dollars of the funds".  
6 2. Page 2, by striking lines 2 through 5 and  
7 inserting the following: "subsection 3. A grant made  
8 under subsection 3 may be renewed for additional one-  
9 year periods of time."  
10 3. Page 2, line 24, by striking the word "four-  
11 year" and inserting the following: "one-year".  
12 4. Page 3, by striking lines 46 through 48 and  
13 inserting the following: "are particularly  
14 encouraged."

A non-record roll call was requested.

The ayes were 26, nays 47.

Amendment H—3473 lost.

The House stood at ease at 5:00 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3446, as amended, to House File 535 at 5:08 p.m., Connors of Polk in the chair.

Svoboda of Tama offered the following amendment H—3478, to amendment H—3446, filed by her from the floor and moved its adoption:

H—3478

- 1 Amend the amendment H—3446 to House File 535 as
- 2 follows:
- 3 1. Page 3, line 46, by inserting after the word
- 4 "encouraged." the following: "Private sector
- 5 partnerships shall represent both secular and
- 6 nonsecular views."

Amendment H—3478 lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Bisignano of Polk.

Garman of Story offered the following amendment H—3483, to amendment H—3446, filed by her from the floor and moved its adoption:

H—3483

- 1 Amend the amendment, H—3446, to House File 535 as
- 2 follows:
- 3 1. Page 3, line 46, by inserting after the word
- 4 "encouraged." the following: "Partnerships with
- 5 organizations that provide abortions or referrals for
- 6 abortions are prohibited."

Amendment H—3483 was adopted.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brown of Lucas and Jesse of Jasper, for the remainder of the day, on request of Beatty of Warren; Shearer of Louisa on request of Lykam of Scott.

Stromer of Hancock rose on a point of order that amendment H—3446 was not germane.

The Speaker ruled the point not well taken and amendment H—3446 germane.

Neuhauser of Johnson moved the adoption of amendment H—3446, as amended.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 43.

Amendment H—3446, as amended, was adopted.

Tyrrell of Iowa rose on a point of order and invoked Rule 32 on House File 535, to refer the bill 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 on House File 535.

Roll call was requested by Stromer of Hancock and Harbor of Mills

On the question "Shall Rule 32 be suspended on House File 535?"

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Buhr
Chapman	Cohoon	Connolly	Doderer
Dvorsky	Fey	Fogarty	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

The nays were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Pellet	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 10:

Avenson, Spkr.	Black	Brown	Fuller
Gruhn	Jesse	Kremer	Plasier
Shearer	Shoultz		

The motion prevailed and Rule 32 was suspended.

Arnould of Scott asked and received unanimous consent that House File 535 be deferred and that the bill retain its place on the calendar.

### MOTION TO RECONSIDER

(Amendment H—3348D to House File 535)

I move to reconsider the vote by which amendment H—3348D to House File 535 failed to be adopted by the House on March 20, 1989.

CARPENTER of Polk

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 20, 1989. Had I been present, I would have voted “aye” on House File 475.

ADAMS of Hamilton

I was necessarily absent from the House chamber on March 20. Had I been present, I would have voted “aye” on House File 475.

HARPER of Black Hawk

I was necessarily absent from the House chamber on Wednesday, March 15, 1989. Had I been present, I would have voted “aye” on House File 313 and Senate Files 119 and 128.

OLLIE of Clinton

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### COMMISSION ON CHILDREN, YOUTH AND FAMILIES

The 1988 Annual Report of the Iowa Division of Children, Youth and Families, pursuant to Chapter 601K.32, Code of Iowa.

The 1988 Annual Report of the Iowa Commission on Children, Youth and Families, pursuant to Chapter 601K.35, Code of Iowa.

The Summary of the Annual Reports of the County Boards of Social Welfare, pursuant to Chapter 234.11, Code of Iowa.

## PRESENTATION OF VISITORS

Pavich of Pottawattamie presented to the House Miss Northwest Iowa, Trish Brown, from Council Bluffs, accompanied by her father, Jack Brown.

The Speaker announced that the following visitors were present in the House chamber:

Thirty senior students from Mormon Trail High School, Garden Grove, accompanied by Bill Shuey. By Daggett of Adams.

Four Primary Special Education students from Hoover Elementary School, Iowa City, accompanied by Susan Dvorsky. By Dvorsky of Johnson.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN  
Chief Clerk of the House

- 1989-32 Spirit Lake Lady Indians, Spirit Lake — For participating in the Iowa Girls' State Basketball Tournament.
- 1989-33 Marivel Rivera, Muscatine — For being selected Captain of the 1989 Iowa Girls State Basketball Tournament All-Tournament Team.
- 1989-34 Jenny Noll, Muscatine — For being selected a member of the 1989 Iowa Girls State Basketball Tournament All-Tournament Team.
- 1989-35 The Girls Basketball Team of Muscatine High School — For winning the 1989 Iowa Girls State Basketball Championship (Five on Five) and achieving an undefeated season (25-0).

## 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 321), relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expending participation in farm

mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 336), relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 337), relating to the powers and duties of the Iowa corn promotion board.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 28), relating to the penalty imposed for discarding any litter or debris onto or in any land or water of this state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House File 243), relating to the requirement of a permit for disposal of municipal sewer sludge.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 82), relating to the deposit of certain petroleum overcharge funds in a separate interest bearing account.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 209), relating to infectious waste management.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 210), relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 294), relating to environmental protection including provisions regarding pesticides, fertilizers, and animal waste systems; establishing fees; providing penalties; making appropriations; and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 306), requiring electric utilities to have in effect a comprehensive energy management program before new or changed rates, charges, schedules, and regulations may be approved by the utilities board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 327), relating to the department of natural resources, by dividing the department of natural resources into two different departments according to the functions of the current department of natural resources' divisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

#### COMMITTEE ON HUMAN RESOURCES

**House File 200**, a bill for an act relating to individuals who are no longer eligible for aid to dependent children due to earned income by providing transitional child support payments.

Fiscal Note is required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 267), relating to medical and health needs, including provisions relating to medical and health care, the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under title XVIII of the federal Social Security Act and providing for the collection and analysis of information; requiring the department of human services to adopt rules and conduct studies regarding health care providers which are reimbursed under the medical assistance program; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; the certificate of need program; health promotion and disease prevention by expanding the employee assistance program, and requiring health warning labels on alcoholic beverages; allowing licensed practical nurses and registered nurses to perform all duties performed by a physician's assistant and establishing forgivable loan programs for certain registered nursing and osteopathic students; allowing a medical and health insurance deduction from state individual income tax and providing a retroactive applicability date; rural health delivery systems; establishing a health care services task force, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 307), requiring the department of inspections and appeals to develop a special classification of residential care facilities.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 18**, a bill for an act relating to the possession and delivery of alcoholic liquor, wine, or beer by a person under legal age.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House File 376), relating to the liability of an association or corporation resulting from services provided by the association or corporation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House File 411), relating to the protection of children, by amending the definition of child in need of assistance, providing certain procedures for reporting and investigating child abuse, and regulating the use of child abuse information.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House File 474), relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 1989.

**Committee Bill** (Formerly House Study Bill 245), relating to the administration of small estates.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 357), relating to property rights and methods of enforcement by altering the relative rights of tenants and landlords, including, but not limited to, mobile home park tenants and landlords and by granting small claims concurrent jurisdiction over certain mobile home and personal property abandonment actions.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 361), relating to the establishment of a law enforcement review board.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 365), relating to the regulation of insurance, establishing the office of consumer advocate of insurance, establishing a three-person insurance board, and providing for the appointment of a study committee to examine casualty insurance premium rates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House File 408), relating to the use of integrity tests as a condition of employment and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House File 482), relating to extension of appeal deadlines in connection with claims for unemployment compensation benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 130), providing for the regulation of dogs and vicious dogs, and providing penalties and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 62), requiring county treasurers to refuse renewals of vehicle registrations when notified that a person has not paid certain fines, unsecured appearance bonds, costs, or surcharges.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 309), enacting the quad cities interstate metropolitan authority compact.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 342), relating to official publications by requiring publications of certain hospital board proceedings, by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 366), relating to deputy state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 466**, a bill for an act relating to fishing license reciprocity.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 326), creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, imposing a tax on certain beverage containers, and subjecting violators to penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 329), relating to the taking of deer and wild turkey.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 552**, a bill for an act relating to the consumer credit code, by providing for certain charges, amending the definition of debt collectors, requiring notification and the imposition of certain fees, appropriating funds collected, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3449** March 15, 1989.

#### COMMITTEE ON STATE GOVERNMENT

**House File 355**, a bill for an act relating to travel agents and agencies by providing for licensing and regulation, and providing for fees and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3448** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 98), relating to elections by revising provisions designating the state registrar of voters and providing for technical data processing services in connection with voter registration and participation.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 204), relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 268), relating to campaign finance, providing limitations on contributions to candidates and political committees, restricting the use of certain unexpended balances, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, providing for a political contribution credit on the personal income tax under certain circumstances, providing penalties, providing properly related matters, providing an effective date, and providing retroactive and other applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 286), relating to membership in state group insurance plans by permitting part-time secretaries of members of the general assembly to elect membership in a plan, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 292), relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 302), relating to credit card receipt processing for state departments.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 322), relating to notaries public and other notarial officers and notarial acts, and providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1989.

**Committee Bill** (Formerly House Study Bill 328), relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 341), relating to canteen funds at state institutions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 367), relating to enhanced 911 emergency telephone communications systems.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 266), requiring a single registration plate to be generally displayed on the rear of vehicles and allowing the issuance of vanity plates and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House File 618), requiring public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 190), relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 335), allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1989.

**Committee Bill** (Formerly House Study Bill 353), relating to the implementation of a program for integrated roadside vegetation management, including the crediting of moneys to the living roadway trust fund, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1989.

#### AMENDMENTS FILED

H—3448	H.F.	355	Committee on State Government
H—3449	H.F.	552	Committee on Small Business and Commerce

H-3451	H.F.	535	Daggett of Adams
H-3452	H.F.	480	Fuller of Hardin
H-3453	H.F.	535	Daggett of Adams
H-3454	H.F.	535	Bennett of Ida
H-3455	H.F.	531	Fuller of Hardin
H-3457	H.F.	575	Dvorsky of Johnson
H-3459	H.F.	459	Peterson of Carroll
H-3462	H.F.	648	Hammond of Story
H-3464	H.F.	535	Stromer of Hancock
H-3467	H.F.	647	Stromer of Hancock
H-3468	H.F.	535	Stromer of Hancock
H-3469	H.F.	531	Schneklath of Scott
			Bennett of Ida
			Banks of Plymouth
H-3470	S.F.	124	Hermann of Scott
H-3471	H.F.	209	Svoboda of Tama
H-3474	H.F.	535	Stromer of Hancock
H-3475	H.F.	535	Corbett of Linn
H-3476	S.F.	124	Schneklath of Scott
H-3477	H.F.	164	Carpenter of Polk
			Plasier of Sioux
			Clark of Cerro Gordo
			Mertz of Kossuth
H-3479	S.F.	124	Spenner of Henry
H-3480	S.F.	124	Spenner of Henry
H-3481	S.F.	124	Spenner of Henry
H-3482	S.F.	124	Spenner of Henry
H-3484	H.F.	658	Doderer of Johnson
H-3485	H.F.	271	Groninga of Cerro Gordo
H-3486	S.F.	124	Spenner of Henry
H-3487	H.F.	501	Blanshan of Greene
H-3488	S.F.	124	Spenner of Henry
H-3489	H.F.	535	Stromer of Hancock
H-3490	H.F.	641	Renaud of Polk

On motion by Arnould of Scott, the House adjourned at 5:51 p.m., until 9:00 a.m., Tuesday, March 21, 1989.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 21, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Mary Neuhauser, state representative from Johnson County.

The Journal of Monday, March 20, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By De Groot of Lyon, from fifty constituents of the eighth district opposing any increase in beer, wine or soft drink taxing measures.

By Hermann of Scott, from twelve constituents opposing any increase in beer, wine or soft drink taxes.

By Peterson of Carroll, from fifty-one constituents opposing Senate File 124, relating to riverboat gambling.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the week, on request of Tyrrell of Iowa; Tabor of Jackson on request of Renaud of Polk.

## INTRODUCTION OF BILLS

**House File 680**, by committee on education, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission.

Read first time and placed on the **calendar**.

**House File 681**, by committee on transportation, a bill for an act relating to moneys appropriated for recreational trails and providing an effective date.

Read first time and placed on the **calendar**.

**House File 682**, by committee on natural resources and outdoor recreation, a bill for an act to prohibit the willful obstruction or interference with a person who is lawfully hunting, fishing, trapping, or shooting, and providing a penalty.

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 20, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 447, a bill for an act relating to petroleum underground storage tanks, by creating a state fund and an administrative board and procedures for the fund, authorizing the fund to expend moneys for remedial action, tank improvement loan guarantees, and the offering of insurance to satisfy federal proof of financial responsibility requirements, imposing an environmental protection charge on petroleum diminution and providing for the collection of the charge, increasing the storage tank management fee, authorizing revenue bond issues and the creation of capital reserve funds to assure and facilitate timely payment of revenue bond obligations, authorizing a local option remedial action property tax credit, providing civil and criminal penalties, providing future automatic repeals, and providing effective dates.

Also: That the Senate has on March 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act relating to recovery of merchandise or damages and providing for civil penalties.

Also: That the Senate has on March 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 364, a bill for an act authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found.

Also: That the Senate has on March 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 365, a bill for an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

Also: That the Senate has on March 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 366, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property.

Also: That the Senate has on March 17, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to the powers and duties of county recorders.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Regular Calendar

**House File 575**, a bill for an act relating to the investment authority of state banks, was taken up for consideration.

Schrader of Marion in the chair at 9:53 a.m.

Speaker Avenson in the chair at 9:58 a.m.

Dvorsky of Johnson offered the following amendment H—3457 filed by him and moved its adoption:

H—3457

1 Amend House File 575 as follows:

2 1. Page 1, by striking everything after the  
3 enacting clause and inserting the following:

4 "Section 1. Section 524.901, Code 1989, is amended  
5 by adding the following new subsections:

6 NEW SUBSECTION. 7. a. A state bank may invest in  
7 real estate as set forth in paragraph "b", subject to  
8 the following limitations:

9 (1) The investment shall be approved by the super-  
10 intendent.

11 (2) The investment shall be for economic or  
12 community development purposes only.

13 (3) The total aggregate amount invested shall not  
14 exceed twenty percent of the capital and surplus of  
15 the state bank.

16 (4) The real estate purchased shall not be  
17 agricultural-zoned land.

18 b. The state bank may acquire real estate as  
19 follows:

20 (1) At a sheriff's sale or any other sale of real  
21 estate against which the state bank has a legal or  
22 equitable lien or claim.

23 (2) In satisfaction of any obligation to the state  
24 bank.

25 (3) Upon contracts for sale or improvement and  
26 sale, at the cost of the land and improvements, if the  
27 contracts are executed concurrently or prior to the  
28 purchase. However, the transaction is subject to the  
29 limitations on real estate loans.

30 (4) In exchange for real estate owned by the state  
31 bank.

32 (5) In connection with salvaging the value of  
33 property owned by the state bank.

34 (6) For the purpose of producing income through  
35 the improvement or erection of a building and the sale  
36 or rental of the property.

37 NEW SUBSECTION. 8. If approved by the  
38 superintendent, a state bank may invest in a community  
39 development corporation. A state bank shall have the  
40 same authority to invest in a community development  
41 corporation as does a federal bank pursuant to Title  
42 XII of the United States Code."

Amendment H—3457 was adopted.

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. 575)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 6:

Doderer	Hammond	Hibbard	McKean
Neuhauser	Shoning		

Absent or not voting, 3:

Kremer	Osterberg	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.

#### OBJECTION TO WITHDRAWAL FROM COMMITTEE

Hermann of Scott asked for unanimous consent to invoke Rule 60 to withdraw House File 61 from the committee on labor and industrial relations for immediate consideration.

Objection was raised.

**House File 570**, a bill for an act relating to the registration of aircraft, was taken up for consideration.

Brown 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. 570)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 5:

Chapman	Lundby	Renken	Schnekloth
Stueland			

Absent or not voting, 3:

Kremer	Neuhauser	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.

**House File 534**, a bill for an act relating to the regulation of commercial feed and providing for the increase of fees, was taken up for consideration.

May of Worth offered the following amendment H—3414 filed by him and moved its adoption:

H—3414

- 1 Amend House File 534 as follows:
- 2 1. Page 1, line 17, by inserting before the word
- 3 "A" the following: "1."
- 4 2. Page 1, line 22, by striking the figure "1"
- 5 and inserting the following: "a".
- 6 3. Page 1, line 25, by striking the figure "2"
- 7 and inserting the following: "b".
- 8 4. Page 1, by inserting after line 28, the
- 9 following:
- 10 "2. However, the following persons are not
- 11 required to obtain a license under this section:
- 12 a. A person whose sales of commercial feed are
- 13 limited to retail pet foods.
- 14 b. A natural person who takes orders directly for
- 15 a manufacturer, wholesaler, distributor, or broker for
- 16 a fee, if the commercial feed is shipped directly to
- 17 the consumer."

Amendment H—3414 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. 534)

The ayes were, 69:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Connors	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shultz	Spear

Svoboda	Swartz	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 29:

Beaman	Bennett	Branstad	Carpenter
Clark	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Hester	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Renken
Royer	Schnekloth	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrrell
Van Maanen			

Absent or not voting, 2:

Kremer	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.

**House File 596**, a bill for an act relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions, 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. 596)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 5:

Beatty	Chapman	Hibbard	Jay
Poncy			

Absent or not voting, 2:

Kremer	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.

**House File 628**, an act relating to the purchase or sale of an individual and providing a penalty, 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. 628)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 11:

Beatty	Branstad	Carpenter	De Groot
Metcalf	Plasier	Renken	Rosenberg
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 3:

Kremer	Shoultz	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.

**House File 501**, a bill for an act relating to workers' compensation coverage for participants in work and training programs and unemployed parent-community work experience programs, was taken up for consideration.

Blanshan of Greene offered the following amendment H-3487 filed by him and moved its adoption:

H-3487

- 1 Amend House File 501 as follows:
- 2 1. Page 1, by inserting after line 31 the
- 3 following:
- 4 "Notwithstanding the minimum benefit provisions of
- 5 chapter 85, a person entitled to benefits pursuant to
- 6 this section is entitled to receive a minimum weekly
- 7 benefit amount for a permanent partial disability
- 8 under section 85.34, subsection 2, or for a permanent
- 9 total disability under section 85.34, subsection 3,
- 10 equal to the weekly benefit amount of a person whose
- 11 gross weekly earnings are thirty-five percent of the
- 12 statewide average weekly wage computed pursuant to
- 13 section 96.3 and in effect at the time of the injury."

Amendment H-3487 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. 501)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey

Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Hermann	Jay	Kremer	Muhlbauer
Shoultz	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 59**, a bill for an act relating to the purchase and sale of grain, providing fees and a penalty, and providing effective and applicability dates, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3331 filed by the committee on agriculture:

H—3331

- 1 Amend House File 59 as follows:
- 2 1. By striking everything after the enacting
- 3 clause, and inserting the following:
- 4 "Section 1. LEGISLATIVE INTENT. It is the intent
- 5 of the general assembly to develop a quality grain
- 6 program under the auspices of the department of
- 7 agriculture and land stewardship. Mindful of the
- 8 potential impact of state laws involving grain
- 9 standards and inspection on the competitiveness of
- 10 Iowa grain in the world marketplace, the general
- 11 assembly intends that development of the quality grain
- 12 program be based on a high degree of private and
- 13 government cooperation. As the leading corn and
- 14 soybean state in the nation, Iowa should be a leader

15 in the promotion and marketing of quality agricultural  
 16 products. Success in this leadership role requires  
 17 both government and industry to work together. A  
 18 study of the options and impact of state inspection  
 19 standards is needed to guide the development of the  
 20 quality grain program and foster the desired  
 21 cooperation between the private sector and state  
 22 government.

23 Sec. 2. NEW SECTION. 159.24A SPECIAL QUALITY  
 24 GRAINS ELECTRONIC BULLETIN BOARD.

25 1. The department shall establish within the  
 26 international trade bureau of the marketing division a  
 27 special quality grains electronic bulletin board  
 28 system. The system shall be available to any and all  
 29 buyers and sellers of special quality grains for the  
 30 purpose of posting the availability of special quality  
 31 grains, or a demand for special quality grains.

32 2. The department shall actively promote the use  
 33 of this system by both of the following:

- 34 a. Sellers who are producers or elevators.
- 35 b. Buyers who are government buying agencies,  
 36 elevators, commercial firms, or others.

37 3. The system shall be limited to an informational  
 38 service to permit one party of a potential transaction  
 39 to learn basic preliminary information needed to  
 40 locate and contact a second party if there is a  
 41 commonality of demand and supply. The system shall  
 42 not be operated as a trading system for completion of  
 43 a contract, without express legislative permission.  
 44 The department or the state shall not be liable for  
 45 any action in connection with facilitating the initial  
 46 contact between the parties through the electronic  
 47 bulletin board system. The department or the state  
 48 makes no warranties with regard to the information  
 49 supplied to the bulletin board or to system  
 50 participants.

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1 Sec. 3. ADVISORY COMMITTEE.

2 1. The secretary of agriculture shall establish an  
 3 advisory committee to develop recommendations on  
 4 legislation to assure that Iowa agricultural producers  
 5 receive the actual market value of above standard  
 6 quality grain when sold to buyers and to establish a  
 7 market which encourages the development of markets for  
 8 above standard quality or special quality grains. The  
 9 advisory committee's charge includes, but is not  
 10 limited to, the following:

- 11 a. Drafting proposed legislation that may  
 12 incorporate the major terms of or accomplish the  
 13 objectives of House File 59, as introduced during the

14 1989 session of the general assembly. The proposed  
15 legislation may also incorporate other recommended  
16 legislative changes based upon the advisory  
17 committee's work.

18 b. Investigating the feasibility and advisability  
19 of expanding the electronic bulletin board to include  
20 marketing and the actual performance of trades.

21 c. Investigating other methods to assure that Iowa  
22 producers receive the fair market value for grain that  
23 is delivered to buyers in above standard condition.

24 d. Studying the impact of a proposed quality grain  
25 program on Iowa's competitiveness in the national and  
26 world marketplace.

27 2. The advisory committee shall research the  
28 general subject of grain marketing, including federal  
29 grain inspection and grading standards, procedures,  
30 and requirements, and other relevant information. The  
31 advisory committee shall conduct six public hearings,  
32 one in each congressional district of the state, to  
33 gather public input on state quality grain  
34 initiatives.

35 3. The speaker of the house of representatives  
36 shall appoint three representatives and the majority  
37 leader of the senate shall appoint three senators to  
38 the advisory committee. No more than two members from  
39 each house shall be from the same political party.  
40 The secretary of agriculture shall provide staff and  
41 other support as necessary for the advisory committee  
42 from the department of agriculture and land  
43 stewardship. The secretary of agriculture shall  
44 appoint as public members of the advisory committee,  
45 the titular head or the titular head's designee of the  
46 following organizations:

- 47 a. Iowa farm bureau federation.
- 48 b. National farmers' union.
- 49 c. National farm organization.
- 50 d. Iowa corn growers' association.

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1 e. Iowa soybean producers.

2 f. Iowa grain and feed association.

3 g. Iowa institute for cooperation.

4 All members, public and private, shall be voting  
5 members of the advisory committee. The advisory  
6 committee shall adopt its own rules.

7 The committee shall elect a chairperson from among  
8 the legislative members of the committee.

9 4. The advisory committee shall report its  
10 recommendations to the general assembly on or before  
11 January 15, 1990. The advisory committee may continue  
12 to offer advice and assistance during the course of

- 13 development of the quality grain program, except that  
 14 the advisory committee shall be dissolved May 1,  
 15 1991."

Arnould of Scott asked and received unanimous consent that House File 59 be deferred and that the bill retain its place on the calendar.

(The committee amendment H-3331 pending.)

### MOTION TO WITHDRAW FROM COMMITTEE LOST

Hermann of Scott moved to invoke Rule 60 to withdraw House File 61 from the committee on labor and industrial relations for immediate consideration.

Roll call was requested by Hermann of Scott and Miller of Cherokee.

On the question "Shall the motion prevail to withdraw House File 61 from committee?"

The ayes were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Spear
Svoboda	Teaford	Wise	Mr. Speaker Avenson

Absent or not voting, 8:

Connors	Eddie	Jesse	Knapp
Kremer	Shultz	Swartz	Tabor

The motion lost.

**REFERRED TO COMMITTEE ON APPROPRIATIONS**  
(House File 164)

The Speaker announced that House File 164, presently on the **regular calendar**, was referred to the committee on **appropriations**.

**SPECIAL PRESENTATION**

Lundby of Linn presented to the House the winner of the Iowa Outstanding Farmer Award, Mr. Raymond G. Oltmann of Central City, who was accompanied by his wife Shirley.

On motion by Arnould of Scott, the House was recessed at 11:13 a.m., until 2:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Connors of Polk in the chair.

**INTRODUCTION OF BILLS**

**House File 683**, by committee on judiciary and law enforcement, a bill for an act relating to the establishment of a law enforcement review board.

Read first time and placed on the **calendar**.

**House File 684**, by committee on local government, a bill for an act relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state.

Read first time and placed on the **calendar**.

**House File 685**, by committee on small business and commerce, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state bank holding company.

Read first time and placed on the **calendar**.

**House File 686**, by committee on economic development, a bill for an act establishing a science and technology foundation.

Read first time and placed on the **calendar**.

**House File 687**, by committee on natural resources and outdoor recreation, a bill for an act to eliminate the nonresident commercial mussel license.

Read first time and placed on the **calendar**.

**House File 688**, by committee on judiciary and law enforcement, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings.

Read first time and placed on the **calendar**.

**House File 689**, by committee on judiciary and law enforcement, a bill for an act increasing the penalty for certain vehicular homicide offenses.

Read first time and placed on the **calendar**.

**House File 690**, by committee on judiciary and law enforcement, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, and termination of parental rights, and providing for a procedure relating to courtroom testimony of children.

Read first time and placed on the **calendar**.

**House File 691**, by McKean, a bill for an act relating to the establishment of a statewide forest renewal program.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**House File 692**, by committee on human resources, a bill for an act requiring the department of inspections and appeals to develop a special classification of residential care facilities.

Read first time and placed on the **calendar**.

**House File 693**, by committee on state government, a bill for an act relating to notaries public and other notarial officers and notarial acts, and providing an applicability date and an effective date.

Read first time and placed on the **calendar**.

**House File 694**, by committee on judiciary and law enforcement, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Read first time and referred to committee on **small business and commerce**.

**House File 695**, by committee on judiciary and law enforcement, a bill for an act relating to retentions from payments to contractors on contracts for the construction of public improvements.

Read first time and referred to committee on **transportation**.

**House File 696**, by committee on judiciary and law enforcement, a bill for an act relating to accident reports filed with the state department of transportation.

Read first time and referred to committee on **transportation**.

**House File 697**, by committee on judiciary and law enforcement, a bill for an act relating to the use of nontransferable letters of credit as security for deposit or investment of public funds provided to a public officer from a depository institution.

Read first time and referred to committee on **small business and commerce**.

#### SENATE MESSAGES CONSIDERED

**Senate File 343**, by committee on judiciary, a bill for an act relating to recovery of merchandise or damages and providing for civil penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 364**, by committee on local government, a bill for an act authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found.

Read first time and referred to committee on **local government**.

**Senate File 365**, by committee on local government, a bill for an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

Read first time and referred to committee on **state government**.

**Senate File 366**, by committee on local government, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property.

Read first time and **passed on file**.

**Senate File 367**, by committee on local government, a bill for an act relating to the powers and duties of county recorders.

Read first time and referred to committee on **local government**.

### CONSIDERATION OF BILLS

The House resumed consideration of **House File 59**, a bill for an act relating to the purchase and sale of grain, providing fees and a penalty, and providing effective and applicability dates, and the committee amendment H—3331, found on pages 887 through 890 of the House Journal, previously deferred.

Muhlbauer of Crawford offered the following amendment H—3501, to the committee amendment H—3331, filed by him from the floor and moved its adoption:

H—3501

- 1 Amend amendment, H—3331, to House File 59 as
- 2 follows:
- 3 1. Page 3, line 1, by striking the word
- 4 "producers" and inserting the following:
- 5 "association".

Amendment H—3501 was adopted.

Trent of Muscatine rose on a point of order that amendment H—3331 was not germane.

The Speaker ruled the point well taken and amendment H—3331 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—3331.

A non-record roll call was requested.

The ayes were 51, nays 35.

The motion prevailed and the rules were suspended.

On motion by Muhlbauer of Crawford, the committee amendment H—3331, as amended, was adopted.

The following amendment H-3380 filed by Muhlbauer of Crawford was adopted by unanimous consent:

H-3380

- 1 Amend House File 59 as follows:
- 2 1. Title page, by striking lines 1 through 3 and
- 3 inserting the following: "An Act relating to the
- 4 purchase and sale of grain by providing for the
- 5 offering of a special quality grains electronic
- 6 bulletin board service through the department of
- 7 agriculture and land stewardship and providing for an
- 8 advisory committee study of grain marketing to draft
- 9 proposed legislation to develop the market for special
- 10 quality grains."

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. 59)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Chapman
Clark	Cphoon	Connolly	Corbett
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.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Tyrrell	Van Maanen	Wise
Connors			
Presiding			

The nays were, 4:

Carpenter	Garman	Harbor	Trent
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Absent or not voting, 3:

Kremer                      Royer                      Tabor

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 329**, a bill for an act relating to the name of and liabilities arising from activities of the small business assistance center at the University of Northern Iowa, 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?" (H.F. 329)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Eddie                      Hermann                      Kremer                      Royer  
Tabor

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 prohibiting the theft of telephone service, and making penalties applicable, 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. 513)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schneklloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brand	Knapp	Kremer	Royer
Sherzan	Tabor		

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 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school

foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, previously deferred.

Stromer of Hancock offered the following amendment H—3489 filed by him and moved its adoption:

H—3489

- 1 Amend House File 535 as follows:
- 2 1. By striking page 57, line 8, through page 58,
- 3 line 4.
- 4 2. Page 85, line 34, by striking the figure
- 5 "54,".

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—3489 be adopted?"  
(H.F. 535)

The ayes were, 44:

Banks	Beaman	Bennett	Black
Brand	Branstad	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Koenings	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Pellet	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

The nays were, 52:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Doderer	Dvorsky	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Shoultz	Spear
Swartz	Teaford	Wise	Connors
			Presiding

Absent or not voting, 4:

Fey

Kremer

Sherzan

Tabor

Amendment H—3489 lost.

Corbett of Linn offered the following amendment H—3475 filed by him:

H—3475

- 1 Amend House File 535 as follows:
- 2 1. Page 6, by inserting after line 9 the
- 3 following:
- 4 "\_\_\_\_\_. Resident pupils enrolled in a home
- 5 instruction program or private education program shall
- 6 be counted as provided in section 299A.4."
- 7 2. Page 81, by inserting after line 6 the
- 8 following:
- 9 "Sec. \_\_\_\_\_. NEW SECTION. 299A.1 DEFINITIONS.
- 10 As used in this chapter, unless the context
- 11 otherwise requires:
- 12 1. "Academic progress" means academic growth or
- 13 development equal to a composite score reflecting
- 14 growth of five grade equivalent points as evidenced by
- 15 the child's scores on a nationally normed standardized
- 16 test.
- 17 2. "Non-accredited private school" means a
- 18 nonpublic school which is not accredited by the state
- 19 board of education under section 256.11, but which
- 20 meets the requirements of this chapter.
- 21 3. "Certificated teacher" means a person who holds
- 22 a teacher's certificate issued by the state board of
- 23 educational examiners.
- 24 4. "Dual enrollment" means the registration of a
- 25 child in a public school while enrolled in a
- 26 nonaccredited private school or a home education
- 27 program.
- 28 5. "Home education program" means an educational
- 29 program provided in a home by a parent or guardian to
- 30 one or more students, who have reached the age of
- 31 seven and are under sixteen years of age, who are
- 32 siblings.
- 33 6. "Home instructor" means a parent or guardian
- 34 providing instruction in a home education program, who
- 35 holds a minimum of a high school diploma or its
- 36 equivalent under chapter 259A.
- 37 7. "Local school district" means the public school
- 38 district in which the child is enrolled.
- 39 8. "Private education program" means an
- 40 educational program provided in a nonaccredited
- 41 private school or home education program.
- 42 9. "Private instructor" means a person providing

43 instruction in a nonaccredited private school who  
 44 holds a minimum of a high school diploma or its  
 45 equivalent under chapter 259A.

46 10. "Public school" means a school directly  
 47 supported in whole or in part by taxation and  
 48 accredited by the state board of education under  
 49 section 256.11.

50 11. "Teaching or classroom assistant" means a

## Page 2

1 person who is not a private or home instructor, but  
 2 who assists a private or home instructor in the  
 3 provision of instruction in a nonaccredited private  
 4 school or home education program and who holds a  
 5 minimum of a high school diploma or its equivalent  
 6 under chapter 259A.

7 Sec. \_\_\_\_\_. NEW SECTION. 299A.2 COMPULSORY  
 8 ATTENDANCE.

9 Notwithstanding any conflicting provisions in  
 10 chapters 280, 282, and 299, a parent or guardian of a  
 11 child may place the child under instruction for one  
 12 hundred sixty days per calendar year in one of the  
 13 following:

14 1. A nonaccredited private school.

15 2. A home education program.

16 Sec. \_\_\_\_\_. NEW SECTION. 299A.3 NOTICE OF INTENT.

17 A parent or guardian who places a child in a  
 18 nonaccredited private school or a home education  
 19 program shall annually provide written notice of  
 20 intent to the superintendent of schools of the local  
 21 school district each school year. The notice shall  
 22 include the name and age of the child, the period of  
 23 time during which the child has been or will be  
 24 receiving instruction in a private education program,  
 25 an outline and summary of the course of study, and the  
 26 name, address, the educational qualifications of the  
 27 private or home instructor and any teaching or  
 28 classroom assistants, evidence of required  
 29 immunizations of the child, and the results of a  
 30 routine physical examination of the child completed no  
 31 more than two months before the delivery of the  
 32 notice. The term "course of study" shall include the  
 33 subjects covered and the time spent on the areas of  
 34 study.

35 Sec. \_\_\_\_\_. NEW SECTION. 299A.4 DUAL ENROLLMENT.

36 A child who is receiving instruction in a private  
 37 education program under this chapter shall also  
 38 register in a public school for dual enrollment  
 39 purposes. The child shall be permitted to participate  
 40 on the same basis as public school children in any  
 41 extracurricular activities available to children in

42 the child's grade or group. The child shall be  
43 included in the public school's enrollment under  
44 section 442.4, Code 1989, or section 257.6, as  
45 applicable, and shall be counted as five-tenths of a  
46 pupil, unless the child is receiving academic  
47 remediation. If a child has received or will be  
48 receiving academic remediation under section 299A.9,  
49 299A.10, or 299A.11 in a school year in which the  
50 child was or would have been counted as five-tenths of

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1 a pupil, the child shall be counted as one pupil in  
2 the succeeding school year.  
3 Sec. \_\_\_\_\_. NEW SECTION. 299A.5 QUALIFICATIONS OF  
4 PRIVATE INSTRUCTORS.  
5 For every thirty children enrolled in a  
6 nonaccredited private school, the board of directors  
7 or governing body of the school shall employ one  
8 private instructor who holds a bachelor's degree from  
9 a postsecondary institution. Any nonaccredited  
10 private school which does not meet the requirements of  
11 this section by July 1, 1989, may continue to conduct  
12 private instruction, but must provide proof of  
13 compliance with the requirements by July 1, 1994.  
14 Sec. \_\_\_\_\_. NEW SECTION. 299A.6 INSTRUCTION.  
15 A private instruction program shall include, but is  
16 not limited to, language arts, social studies,  
17 mathematics, science, health and physical education,  
18 art, and music.  
19 Sec. \_\_\_\_\_. NEW SECTION. 299A.7 PREENROLLMENT  
20 ASSESSMENT.  
21 Before a parent or guardian enrolls a child in a  
22 private or home education program, the child must  
23 submit to a preenrollment assessment administered  
24 through the local school district. The assessment  
25 shall be developmentally appropriate for the child's  
26 perceived level of intellectual functioning or  
27 discerned grade level, and is not required for other  
28 than the first year of enrollment.  
29 Sec. \_\_\_\_\_. NEW SECTION. 299A.8 ANNUAL TEST.  
30 Each child enrolled in a private education program  
31 shall annually complete a nationally normed,  
32 standardized test, administered through the local  
33 school district. The test shall be chosen by the  
34 parent or guardian of the child from a list of no less  
35 than five tests selected and approved by the  
36 department of education for use under this chapter.  
37 The test shall be administered in the building or  
38 facility where the private education program is  
39 conducted. The results of the test shall be  
40 submitted to the superintendent of the local school

41 district.

42 Sec. \_\_\_\_\_. NEW SECTION. 299A.9 ACADEMIC  
43 REMEDICATION.

44 If a child enrolled in a private education program  
45 fails to demonstrate academic progress as evidenced by  
46 the child's scores on the test administered pursuant  
47 to section 299A.8, the private or home instructor  
48 shall modify the private education program with the  
49 assistance of a certificated teacher employed by the  
50 local school district, to remediate the academic

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1 problem. The modified private education program shall  
2 continue for one semester, after which the child shall  
3 be tested, using a test approved under section 299A.8.  
4 If the results of the test indicate that remediation  
5 has resulted in academic progress, the private or home  
6 instructor may return to an unsupervised private  
7 education program. The test used to determine whether  
8 remediation has resulted in academic progress shall be  
9 in addition to the annual test required under section  
10 299A.8.

11 Sec. \_\_\_\_\_. NEW SECTION. 299A.10 EDUCATION  
12 ASSISTANCE PROGRAM.

13 If a child fails to achieve academic progress after  
14 one semester of remediation as described in section  
15 299A.9, the superintendent of the local school  
16 district shall implement an education assistance  
17 program for the child. The board of directors shall  
18 assign a certificated teacher to assist the private or  
19 home instructor for not more than ten hours per week.  
20 The education assistance program shall continue for  
21 one semester, after which the child shall be tested,  
22 using a test approved under section 299A.8. If the  
23 results of the test indicate that the education  
24 assistance program has resulted in academic progress,  
25 the private or home instructor may return to an  
26 unsupervised private education program and further  
27 assistance by a certificated teacher shall not be  
28 required. The test administered under this section is  
29 in addition to the test administered under section  
30 299A.8 or 299A.9.

31 Sec. \_\_\_\_\_. NEW SECTION. 299A.11 ACADEMIC FAILURE.

32 If a child has not achieved academic progress  
33 following an education assistance program conducted  
34 under section 299A.10, the board of directors of the  
35 local school district shall require the parent or  
36 guardian of the child to enroll the child in either a  
37 public school, a nonpublic school which has been  
38 accredited by the state board of education under  
39 section 256.11, a nonaccredited private school if the

40 child has been enrolled in a home education program,  
41 or a home education program if the child has been  
42 enrolled in a nonaccredited private school, or may  
43 require the continuation of the education assistance  
44 program for an additional semester. In determining  
45 which placement will best serve the child's  
46 educational development, the board shall consider the  
47 interests of the parent or guardian, the  
48 recommendations of the certificated teacher assigned  
49 to assist in the education assistance program, and the  
50 results of the tests administered under sections

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1 299A.8, 299A.9, and 299A.10.

2 Sec. \_\_\_\_\_. NEW SECTION. 299A.12 APPEAL.

3 The decision of the board of directors of the local  
4 school district may be appealed to the state board of  
5 education under chapter 290. A decision by the state  
6 board of education constitutes final agency action for  
7 purposes of judicial review. Except where the  
8 district court has granted a parent's or guardian's  
9 special application for relief, the private education  
10 program from which the child is being removed shall  
11 not be continued during the pendency of the appeal.  
12 Enrollment of a child under section 299A.10 in a  
13 public school or a nonpublic school, which has been  
14 accredited by the state board of education under  
15 section 256.11, shall not preclude reenrollment of a  
16 child in a private education program if a parent or  
17 guardian establishes to the board of directors of the  
18 local school district that the private education  
19 program to be offered will result in academic  
20 progress.

21 Sec. \_\_\_\_\_. NEW SECTION. 299A.13 HOME INSTRUCTION  
22 ASSISTANCE.

23 A public school shall develop a home instruction  
24 assistance program which shall be implemented upon  
25 request by a home instructor. The program shall not  
26 be available to a private instructor or a teaching or  
27 classroom assistant. The program shall include, but  
28 need not be limited to, providing a certificated  
29 teacher to meet regularly with the child and the home  
30 instructor to assist in instructional planning to  
31 achieve academic progress in one or more of the  
32 subject areas specified in section 299A.6.

33 Notwithstanding the provisions of this section,  
34 this chapter shall not be construed to apply to home  
35 instruction programs in effect prior to the enactment  
36 of this Act.

37 Sec. \_\_\_\_\_. NEW SECTION. 299A.14 INSTRUCTOR  
38 OTHERWISE NOT QUALIFIED.

39 A private or home instructor or a teaching or  
 40 classroom assistant who does not hold a teacher's  
 41 certificate issued by the state board of educational  
 42 examiners is not a certificated teacher.  
 43 Sec. \_\_\_\_\_. NEW SECTION. 299A.15 NOT TAX EXEMPT.  
 44 A home used for a private education program under  
 45 this chapter is not eligible for tax exemption under  
 46 section 427.1.  
 47 Sec. \_\_\_\_\_. NEW SECTION. 299A.16 VIOLATIONS.  
 48 A person who violates the provisions of this  
 49 chapter is guilty of a serious misdemeanor, punishable  
 50 by a fine not exceeding one thousand dollars,

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1 confinement not exceeding one year, or the performance  
 2 of up to one hundred twenty hours of unpaid community  
 3 services, or any combination of a fine, confinement,  
 4 or community services."

Ollie of Clinton rose on a point of order that amendment H—3475 was not germane.

The Speaker ruled the point well taken and amendment H—3475 not germane.

Daggett of Adams offered the following amendment H—3451 filed by him:

H—3451

1 Amend House File 535 as follows:  
 2 1. Page 28, by inserting after line 35 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 257.17A SIZE ADJUSTMENT  
 5 PAYMENT.  
 6 Annually the department of education shall pay to  
 7 each school district in which the basic enrollment for  
 8 the budget year is five hundred or fewer a size  
 9 adjustment payment. The size adjustment payment is an  
 10 amount determined by multiplying the size adjustment  
 11 percent by an amount equal to the state cost per pupil  
 12 multiplied by the basic enrollment of the district for  
 13 the budget year. The size adjustment percent is the  
 14 square of the difference between five hundred and the  
 15 district's basic enrollment for the budget year,  
 16 divided by eight hundred.  
 17 There is appropriated from the general fund of the  
 18 state to the department of education for each fiscal  
 19 year the sum of three million five hundred thousand  
 20 (3,500,000) dollars, or so much thereof as is  
 21 necessary, to pay the size adjustment payments to  
 22 school districts in the amount calculated under this

23 section. Size adjustment payments are miscellaneous  
24 income. If the amount appropriated is insufficient to  
25 pay the size adjustment payments to school districts  
26 in full, the department of education shall prorate the  
27 amounts of the payments.

28 The department of education shall submit  
29 recommendations to the general assembly meeting in  
30 1993 for fully funding the size adjustment."

31 2. By renumbering as necessary.

Daggett of Adams offered the following amendment H—3453, to amendment H—3451, filed by him and moved its adoption:

H—3453

1 Amend the amendment, H—3451, to House File 535 as  
2 follows:

3 1. Page 1, line 8, by inserting after the word  
4 "fewer" the following: ", and to each area education  
5 agency in which there are fewer than an average of  
6 three and one-half public school pupils per square  
7 mile."

8 2. Page 1, line 9, by inserting after the words  
9 "adjustment payment" the following: "for school  
10 districts".

11 3. Page 1, line 16, by inserting after the word  
12 "hundred." the following: "The size adjustment  
13 payment for area education agencies is forty dollars  
14 multiplied by the enrollment served in the area  
15 education agency."

16 4. Page 1, line 25, by inserting after the word  
17 "districts" the following: "and area education  
18 agencies".

Amendment H—3453 lost.

Daggett of Adams asked and received unanimous consent to defer action on amendment H—3451.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—3416 filed by him and Wise of Lee on March 16, 1989, placing out of order the following amendments, to amend-ment H—3416:

H—3432 filed by Stromer of Hancock on March 17, 1989.

H—3454 filed by Bennett of Ida on March 20, 1989.

H—3464 filed by Stromer of Hancock on March 20, 1989.

Speaker Avenson in the chair at 3:24 p.m.

Osterberg of Linn asked and received unanimous consent to withdraw amendment H—3347 filed by him on March 10, 1989.

The House resumed consideration of amendment H—3348A, previously deferred, found on page 781 of the House Journal.

Stromer of Hancock offered the following amendment H—3468, to amendment H—3348A, filed by him:

H—3468

- 1 Amend the amendment, H—3348, to House File 535 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting the following:
- 5 “ “\_\_\_\_\_. Resident pupils attending school in another
- 6 school district under section 282.18 shall be counted
- 7 in the district of residence as six-tenths of a pupil
- 8 during the first year of attendance, eight-tenths of a
- 9 pupil during the second year, and shall be counted in
- 10 the district of residence as a pupil during the third
- 11 and succeeding years.” ”

Stromer of Hancock asked and received unanimous consent to defer action on amendments H—3468 and H—3348A.

The House resumed consideration of amendment H—3351B, found on pages 749 and 750 of the House Journal.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—3354, to amendment H—3351B, filed by him on March 10, 1989.

Ollie of Clinton asked and received unanimous consent to defer action on amendment H—3351B.

The House resumed consideration of amendment H—3343, previously deferred, found on page 734 of the House Journal.

Division of amendment H—3343 was requested as follows:

H—3343A, lines 2 and 3.

H—3343B, lines 4 and 5.

Stromer of Hancock moved the adoption of amendment H—3343A.

A non-record roll call was requested.

The ayes were 38, nays 44.

Amendment H—3343A lost.

On motion by Stromer of Hancock, amendment H—3343B was adopted.

The House resumed consideration of amendment H—3336A, previously deferred, found on pages 737 and 740 of the House Journal.

Stromer of Hancock offered the following amendment H—3355, to amendment H—3336A, filed by him and moved its adoption:

H—3355

1 Amend amendment H—3336 to House File 535 as  
2 follows:  
3 1. Page 1, by inserting after line 12, the  
4 following:  
5 “The board shall set forth its proposal in a  
6 resolution and shall publish the notice of the time  
7 and place of a public hearing on the proposal. Not  
8 less than ten nor more than twenty days before the  
9 adoption of the resolution, the board shall publish  
10 the notice at least once in one or more newspapers.  
11 For the purpose of establishing and giving assured  
12 circulation to the proceedings, only a newspaper  
13 which is a newspaper of general circulation issued  
14 at a regular frequency, located in the school  
15 district’s area, and regularly delivered or mailed  
16 through the post office during the past two years may  
17 be used. Additionally, the newspaper must have a list  
18 of subscribers who have paid, or promised to pay, at  
19 more than a nominal rate, for copies to be received  
20 during a stated period. After the public hearing, the  
21 board may make a final determination on the proposal  
22 by resolution.”

Amendment H—3355 was adopted.

On motion by Spear of Lee, amendment H—3336A, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware, for the remainder of the day, on request of Bennett of Ida.

The House resumed consideration of amendment H—3336B, previously deferred, found on pages 737 through 740 of the House Journal.

Carpenter of Polk offered the following amendment H—3361, to amendment H—3336B, filed by her and Renaud of Polk and moved its adoption:

H-3361

1 Amend amendment, H-3336, to House File 535 as  
2 follows:

3 1. Page 1, line 41, by inserting after the word  
4 "surtax." the following: "However, notwithstanding  
5 any other provision of this section and section  
6 257.18A, the board of directors of a school district,  
7 in which less than twenty-five percent of the assessed  
8 valuations, on January 1 preceding the election,  
9 consist of agricultural property valuations, may  
10 decide to impose only an instructional support  
11 property tax for the period of the instructional  
12 support program unless the board of directors had  
13 included on the ballot that the funding would be from  
14 a combination property tax and income surtax."

Amendment H-3361 was adopted.

On motion by Spear of Lee, amendment H-3336B, as amended, was adopted, placing out of order amendment H-3358, previously adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H-3359, previously deferred, filed by her on March 10, 1989.

The House resumed consideration of amendment H-3348B, previously deferred.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H-3348B, found on page 781 of the House Journal.

The House resumed consideration of amendment H-3348F, previously deferred, found on page 782 of the House Journal.

Stromer of Hancock offered the following amendment H-3474, to amendment H-3348F, filed by him:

H-3474

1 Amend amendment H-3348 to House File 535 as  
2 follows:

3 1. Page 1, by striking lines 33 through 35 and  
4 inserting the following: "than fifty dollars per  
5 student from this fund." "

Stromer of Hancock asked and received unanimous consent to defer action on amendments H-3474 and H-3348F.

The House resumed consideration of amendment H-3451, previously deferred, found on pages 904 and 905 of the House Journal.

Stromer of Hancock offered the following amendment H—3508, to amendment H—3451, filed by him from the floor and moved its adoption:

H—3508

- 1 Amend the amendment, H—3451, to House File 535 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "payment" the following: "if the district cost per
- 5 pupil of the district for that budget year is less
- 6 than one hundred ten percent of the state cost per
- 7 pupil for that budget year".

Amendment H—3508 was adopted.

Daggett of Adams moved the adoption of amendment H—3451, as amended.

Roll call was requested by Stromer of Hancock and Daggett of Adams.

On the question "Shall amendment H—3451, as amended, be adopted?" (H.F. 535)

The ayes were, 30:

Banks	Beaman	Bennett	Branstad
Clark	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Kistler	Lageschulte	Maulsby
McKean	Pellett	Peters	Petersen, D. F.
Renken	Royer	Schnekloth	Shearer
Shoning	Spenner	Stromer	Stueland
Tyrrell	Van Maanen		

The nays were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Siegrist	Spear
Svoboda	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 9:

Doderer	Hanson, D. R.	Kremer	Lundby
Mertz	Miller	Plasier	Swartz
Tabor			

Amendment H—3451, as amended, lost.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 535 at 5:12 p.m., Speaker Avenson in the chair.

The House resumed consideration of amendment H—3351B, found on pages 749 and 750 of the House Journal.

Bennett of Ida offered the following amendment H—3514, to amendment H—3351B, filed by him from the floor and moved its adoption:

H—3514

- 1 Amend the amendment, H—3351, to House File 535 as
- 2 follows:
- 3 1. Page 2, line 6, by inserting after the word
- 4 "revenues," the following: "adjusted for changes in
- 5 rates or basis and".

Amendment H—3514 was adopted.

Ollie of Clinton offered the following amendment H—3512, to amendment H—3351B, filed by him from the floor and moved its adoption:

H—3512

- 1 Amend the amendment, H—3351, to House File 535 as
- 2 follows:
- 3 1. By striking page 1, line 47, through page 3,
- 4 line 18, and inserting the following:
- 5 "1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On
- 6 or before September 15, of each year, the department
- 7 of management shall compute a state percent of growth
- 8 for the next budget year.
- 9 2. BUDGET YEAR CALCULATION. For the budget year,
- 10 the state percent of growth is an average of the
- 11 difference in the percents of change in receipts of
- 12 state general fund revenues, adjusted for changes in
- 13 rates or basis and computed or estimated by the state
- 14 revenue estimating conference created in section 8.22A
- 15 as follows:
- 16 a. The percent of change between the revenues
- 17 received during the second year preceding the base
- 18 year and the revenues received during the year

19 preceding the base year.

20 b. The percent of change between the revenues  
21 received during the year preceding the base year and  
22 the revenues received during the base year.

23 For the purpose of this subsection, receipts of  
24 state general fund revenues do not include one-time  
25 nonrecurring receipts or receipts that are accounting  
26 transactions made to meet the requirements of 1986  
27 Iowa Acts, chapter 1238, section 59.

28 3. NEGATIVE PERCENT. If the state percent of  
29 growth computed for a budget year is negative, that  
30 percent shall not be used and the state percent of  
31 growth shall be zero.

32 4. RECOMPUTATION. On or before September 15 of  
33 the base year, the department of management shall  
34 recompute the state percent of growth for the previous  
35 year using adjusted estimates and the actual figures  
36 available. The difference between the recomputed  
37 state percent of growth for the previous year and the  
38 original computation shall be added to or subtracted  
39 from the state percent of growth for the budget year.  
40 However, on or before September 15, 1990, the  
41 department of management shall recompute the state  
42 percent of growth for the previous year in the manner  
43 provided in section 442.7, Code 1989."

A non-record roll call was requested.

The ayes were 21, nays 46.

Amendment H—3512 lost.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—3351B, as amended.

The House resumed consideration of amendment H—3348A, previously deferred, found on page 781 of the House Journal.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—3348A, placing out of order amendment H—3468, previously deferred, found on page 906 of the House Journal.

Ollie of Clinton asked and received unanimous consent to reconsider the vote by which amendment H—3351A, found on pages 748 through 755 of the House Journal, was adopted by the House on March 10, 1989.

Ollie of Clinton offered the following amendment H—3433, to amendment H—3351A, filed by him and moved its adoption:

H—3433

- 1 Amend the amendment, H—3351, to House File 535 as
- 2 follows:
- 3 1. Page 5, by striking line 3 and inserting the
- 4 following:
- 5 “\_\_\_\_\_ . By striking page 33, line 34, through page
- 6 34, line 10, and”.

Amendment H—3433 was adopted.

Daggett of Adams offered the following amendment H—3439, to amendment H—3351A, filed by him and moved its adoption:

H—3439

- 1 Amend amendment, H—3351, to House File 535 as
- 2 follows:
- 3 1. Page 5, line 10, by striking the word
- 4 “demographics” and inserting the following: “sparsity
- 5 and density of the population”.

Roll call was requested by Daggett of Adams and McKean of Jones.

On the question “Shall amendment H—3439 be adopted?”  
(H.F. 535)

The ayes were, 37:

Banks	Beaman	Bennett	Black
Brand	Branstad	Clark	Daggett
De Groot	Eddie	Fogarty	Garman
Halvorson, R. A.	Harbor	Hester	Jay
Kistler	Knapp	Koenigs	Maulsby
May	McKean	McKinney	Mertz
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Spear	Spenner
Stromer	Stueland	Tyrrell	Van Maanen
Wise			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Hibbard	Holveck	Jesse	Jochum
Johnson	Lageschulte	Lundby	Lykam
Metcalf	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.

Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Svoboda	Swartz	Teaford
Trent	Mr. Speaker		
	Avenson		

Absent or not voting, 5:

Hanson, D. R.	Kremer	Muhlbauer	Plasier
Tabor			

Amendment H—3439 lost.

Buhr of Polk offered the following amendment H—3443, to amendment H—3351A, filed by Buhr, et al., and moved its adoption:

H—3443

- 1 Amend amendment, H—3351, to House File 535 as
- 2 follows:
- 3 1. Page 5, line 10, by striking the word
- 4 "demographics" and inserting the following: "density
- 5 of the population".

A non-record roll call was requested.

The ayes were 51, nays 23.

Amendment H—3443 was adopted.

On motion by Ollie of Clinton, amendment H—3351A, as amended, was adopted.

Carpenter of Polk called up for consideration the motion to reconsider amendment H—3348D, found on page 782 of the House Journal, filed by her on March 20, 1989, and moved to reconsider the vote by which amendment H—3348D, as amended, failed to be adopted by the House on March 20, 1989.

The motion prevailed and amendment H—3348D was reconsidered.

Stromer of Hancock offered amendment H—3520, to amendment H—3348D, filed by him from the floor and requested division as follows:

H—3520

- 1 Amend the amendment, H—3348, to House File 535 as
- 2 follows:

H—3520A

- 3 1. Page 1, by striking lines 25 through 28 and
- 4 inserting the following:

## H—3520A

5 “\_\_\_\_\_. Page 77, line 3, by inserting after the  
6 word “established” the following: “except as  
7 otherwise provided in this subsection”.  
8 \_\_\_\_\_. Page 77, line 15, by inserting after the  
9 figure “5.” the following: “However for the budget  
10 year beginning July 1, 1991, if both the regular and  
11 voter-approved levies are imposed, the levy shall not  
12 exceed a rate that will generate more than three  
13 hundred dollars per pupil in the district’s basic  
14 enrollment for the budget year as “budget year” and  
15 “basic enrollment” are defined in chapter 257. For  
16 each budget year thereafter, the limitation shall be  
17 changed from the previous year’s limitation by an  
18 amount equal to the previous year’s limitation  
19 multiplied by the change in the percent of the taxable  
20 valuation in the state from the second preceding  
21 January 1 to the preceding January 1. If the levy for  
22 a school district is less than one dollar for a budget  
23 year because of the limitation on the amount  
24 generated, the voter-approved physical plant and  
25 equipment levy shall be reduced to comply with the  
26 limitation of this section.” ”

## H—3520B

27 2. Page 1, by striking lines 30 through 35 and  
28 inserting the following:  
29 “\_\_\_\_\_. Page 79, line 32, by striking the words  
30 “district and” and inserting the following:  
31 “district. However, the revenues generated from the  
32 district management levy for a budget year, as budget  
33 year is defined in chapter 257, shall not exceed the  
34 revenues generated from the district management levy  
35 for the previous year adjusted by the percent of  
36 change in the taxable valuation in the state from the  
37 second preceding January 1 to the preceding January 1.  
38 For the budget year beginning July 1, 1991, the  
39 revenues generated from the district management levy  
40 for the previous year include the sum of the revenues  
41 generated by the separate levies included in the  
42 district management levy under this section. The  
43 district management levy shall be”.”

On motion by Stromer of Hancock, amendment H—3520A was adopted, placing out of order amendment H—3381, previously adopted, and found on page 854 of the House Journal.

On motion by Stromer of Hancock, amendment H—3348D, as amended, was adopted.

The House resumed consideration of amendment H—3348F, found on page 782 of the House Journal.

The House resumed consideration of amendment H—3520B, to amendment H—3348F, found on page 914 of the House Journal.

On motion by Stromer of Hancock, amendment H—3520B, was adopted, placing out of order amendment H—3474, found on page 908 of the House Journal, previously deferred.

On motion by Stromer of Hancock, amendment H—3348F, as amended, was adopted.

Harbor of Mills called up for consideration the motion to reconsider amendment H—3329 filed by him on March 10, 1989 and moved to reconsider the vote by which amendment H—3329, found on page 735 of the House Journal, failed to be adopted by the House on March 10, 1989.

A non-record roll call was requested.

The ayes were 40, nays 45.

The motion to reconsider lost.

Stromer of Hancock called up for consideration the motion to reconsider amendment H—3348E filed by him from the floor and moved to reconsider the vote by which amendment H—3348E, found on page 782 of the House Journal, failed to be adopted by the House on March 20, 1989.

A non-record roll call was requested.

The ayes were 28, nays 45.

The motion to reconsider lost.

The House stood at ease as 6:30 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 535 at 6:45 p.m., Speaker Avenson in the chair.

Maulsby of Calhoun rose on a point of order and invoked Joint Rule 17, requiring a fiscal note on House File 535.

The Speaker ruled the point not well taken pursuant to Joint Rule 17 as follows:

“However a request for a revised fiscal note shall not delay action on a bill unless so ordered by the presiding officer of the house in which the bill is under consideration.”

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. 535)

The ayes were, 66:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Lykam	May
McKinney	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Svoboda	Swartz	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 29:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Harbor
Kerermann	Koenigs	Lageschulte	Lundby
Maulsby	McKean	Mertz	Miller
Petersen, D. F.	Plasier	Renken	Royer
Spenner	Stromer	Stueland	Tyrrell
Van Maanen			

Absent or not voting, 5:

Hanson, D. R.	Kremer	Pellett	Schnekloth
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTIONS TO RECONSIDER (House File 535)

I move to reconsider the vote by which House File 535 passed the House on March 21, 1989.

OLLIE of Clinton

(House File 596)

I move to reconsider the vote by which House File 596 passed the House on March 21, 1989.

HANSEN of Woodbury

PASSED ON FILE  
(Senate Files 275 and 276)

The Speaker announced that Senate Files 275 and 276, previously referred to the **committee on judiciary and law enforcement**, were **passed on file**.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 474, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter.

JOHN F. DWYER, Secretary

#### EXPLANATION OF VOTE

I inadvertently voted "nay" on the motion to withdraw House File 61 from the committee on labor and industrial relations, I meant to vote "aye."

PELLETT of Cass

#### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four Boy Scouts, Troop 124, Indianola. By Beatty of Warren.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

##### **H.S.B. 368 Agriculture**

To urge and petition the congress of the United States, the president of the United States, the federal trade commission, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

## SUBCOMMITTEE ASSIGNMENTS

**House File 626**

Energy and Environmental Protection: Shultz, Chair; Bisignano and Lundby.

**House File 639**

Education: Wise, Chair; Adams, Harper, Kistler and Siegrist.

**Senate File 83**

Energy and Environmental Protection: Shultz, Chair; Bisignano and Lundby.

**Senate File 111**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Chapman and Trent.

**Senate File 141**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 233**

Judiciary and Law Enforcement: Jay, Chair; Rosenberg and Trent.

**Senate File 290**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**Senate File 300**

Local Government: Fuller, Chair; Brown and Royer.

**Senate File 339**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

## 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 ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 225**, a bill for an act allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1989.

**Senate File 229**, a bill for an act allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1989.

**Senate File 260**, a bill for an act eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1989.

#### AMENDMENTS FILED

H—3491	S.F.	124	Spenner of Henry
H—3492	S.F.	124	Spenner of Henry
H—3493	S.F.	124	Gruhn of Dickinson
H—3494	S.F.	124	Tyrrell of Iowa
H—3495	S.F.	124	Tyrrell of Iowa
H—3496	S.F.	124	Tyrrell of Iowa
H—3497	H.F.	49	Tyrrell of Iowa
H—3498	H.F.	447	Senate Amendment
H—3499	H.F.	644	Wise of Lee
H—3500	H.F.	644	Van Maanen of Mahaska
H—3502	H.F.	660	Connolly of Dubuque
H—3503	S.F.	124	Tyrrell of Iowa
H—3504	H.F.	477	Schrader of Marion
			Black of Jasper
H—3505	S.F.	124	Spenner of Henry
H—3506	S.F.	124	Spenner of Henry
			Gruhn of Dickinson
H—3507	H.F.	550	Groninga of Cerro Gordo
H—3509	S.F.	366	Connors of Polk
H—3510	H.F.	644	Wise of Lee
H—3511	H.F.	655	Ollie of Clinton
H—3513	S.F.	124	Renken of Grundy
H—3515	S.F.	117	Shoning of Woodbury
			Spenner of Henry
H—3517	H.F.	658	Sherzan of Polk

H—3518	H.F.	531	Svoboda of Tama Fuller of Hardin Osterberg of Linn Peterson of Carroll
H—3519	S.F.	124	Tyrrell of Iowa
H—3521	H.F.	659	Daggett of Adams
H—3522	H.F.	600	Johnson of Winneshiek
H—3523	S.F.	224	Connolly of Dubuque
H—3524	S.F.	124	Spenner of Henry
H—3525	H.F.	142	Brammer of Linn

On motion by Arnould of Scott, the House adjourned at 7:12 p.m., until 9:00 a.m., Wednesday, March 22, 1989.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 22, 1989

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 Tuesday, March 21, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Carpenter of Polk, from forty-two residents of Iowa favoring tighter control of the ownership and sale of handguns.

By Connolly of Dubuque, from the TRI-County Sportsmen's Club opposing increasing hunting and fishing license fees.

By Royer of Page, from one hundred constituents of District 93 opposing the increase in Iowa state park daily camp fees for electrical camp sites to \$8.00 per night.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton on request of Brammer of Linn; McKinney of Dallas on request of Svoboda of Tama; Rosenberg of Story on request of Shearer of Louisa; Neuhauser of Johnson on request of Hammond of Story; Bennett of Ida on request of Petersen of Muscatine, all until their arrival.

## INTRODUCTION OF BILLS

**House File 698**, by committee on state government, a bill for an act relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner.

Read first time and placed on the **calendar**.

**House File 699**, by committee on judiciary and law enforcement, a bill for an act relating to the state public defender and the appointment of a state appellate defender.

Read first time and placed on the **calendar**.

**House File 700**, by committee on judiciary and law enforcement, a bill for an act relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program.

Read first time and placed on the **calendar**.

**House File 701**, by committee on labor and industrial relations, a bill for an act relating to employer penalties under the unemployment compensation law.

Read first time and placed on the **calendar**.

**House File 702**, by committee on judiciary and law enforcement, a bill for an act relating to property rights and methods of enforcement by altering the relative rights of tenants and landlords, including, but not limited to, mobile home park tenants and landlords and by granting small claims concurrent jurisdiction over certain mobile home and personal property abandonment actions.

Read first time and placed on the **calendar**.

**House File 703**, by committee on economic development, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program.

Read first time and placed on the **calendar**.

**House File 704**, by committee on state government, a bill for an act relating to elections by revising provisions designating the state registrar of voters and providing for technical data processing services in connection with voter registration and participation.

Read first time and placed on the **calendar**.

**House File 705**, by committee on economic development, a bill for an act establishing primary and satellite research and marketing centers for economic development programs and services.

Read first time and placed on the **calendar**.

**House File 706**, by committee on economic development, a bill for an act relating to the use of federal and state funding sources to finance job training through vocational education.

Read first time and placed on the **calendar**.

**House File 707**, by committee on state government, a bill for an act relating to canteen funds at state institutions.

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 20, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 8, a joint resolution to nullify an administrative rule of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 317, a bill for an act relating to the sale of milk products, by providing for the issuance of permits.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 344, a bill for an act relating to the violation of or interference with civil rights, including discrimination based upon association with protected class members and age, the definition of public accommodation, the right to a jury trial, and providing penalties.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 346, a bill for an act relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 371, a bill for an act relating to elections and election procedures.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 391, a bill for an act relating to reporting county jail information to the director of the department of corrections.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 406, a bill for an act relating to retention of a court reporter by a newly appointed judge.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 407, a bill for an act relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

Also: That the Senate has on March 20, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 410, a bill for an act relating to the conducting of an epidemiological blinded study to determine the prevalence of the human immunodeficiency virus infection and providing an effective date.

JOHN F. DWYER, Secretary

### UNANIMOUS CONSENT

Clark of Cerro Gordo asked and received unanimous consent that amendment H—3416, to House File 535, which was withdrawn on March 21, 1989, not be printed in the House Bound Journal.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 533**, a bill for an act relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship and by the Iowa grain indemnity board, was taken up for consideration.

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. 533)

The ayes were, 90:

Arnould	Banks	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schneklloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Adams	Bennett	Hermann	Hibbard
Jesse	Kremer	McKinney	Neuhauser
Rosenberg	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 550**, a bill for an act relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—3507 filed by him and moved its adoption:

H—3507

- 1 Amend House File 550 as follows:
- 2 1. Page 4, line 27, by striking the word "Design"
- 3 and inserting the following: "Collect, design, and
- 4 evaluate".
- 5 2. Page 5, line 9, by striking the word
- 6 "agencies" and inserting the following: "entities".
- 7 3. Page 9, line 29, by striking the words
- 8 "upgrading in" and inserting the following: "increase
- 9 in the quality of".
- 10 4. Page 10, lines 24 and 25, by striking the
- 11 words ", but not limited to,".

Amendment H—3507 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. 550)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Royer
Schneklath	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Bennett	Kremer	McKinney	Rosenberg
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 127**, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—3096 filed by the committee on state government and moved its adoption:

H—3096

- 1 Amend House File 127 as follows:
- 2 1. Page 4, by inserting after line 25 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 3, by inserting after the
- 7 word "applicable" the following: ", and providing an
- 8 effective date".
- 9 3. By numbering and renumbering as necessary.

The committee amendment H—3096 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. 127)

The ayes were, 77:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	May	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Royer	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 18:

Banks	Beaman	Branstad	Clark
Daggett	De Groot	Garman	Halvorson, R. N.
Hermann	Holveck	Maulsby	McKean
Pellett	Renken	Schneklloth	Spenner
Stueland	Van Maanen		

Absent or not voting, 5:

Bennett  
Sherzan

Kremer

McKinney

Rosenberg

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 473**, a bill for an act relating to the cancellation of operator's licenses during their first year of issuance, was taken up for consideration.

Connolly of Dubuque offered the following amendment H—3352 filed by him and moved its adoption:

H—3352

1 Amend House File 473 as follows:

2 1. Page 1, by inserting before line 1 the follow-  
3 ing:

4 "Section 1. Section 321.191, unnumbered paragraph  
5 2, Code 1989, is amended to read as follows:

6 There shall be a fee of twenty dollars for the  
7 reinstatement of a chauffeur's license or operator's  
8 motor vehicle license which is, after notice and  
9 opportunity for hearing, canceled, suspended, or  
10 revoked pursuant to sections 321.193, 321.201, 321.209  
11 and 321.210, except subsection 4 thereof, 321.513,  
12 321.560, 321A.6, and chapter 321J. The twenty-dollar  
13 reinstatement fee shall be collected only ten dollars  
14 if the person whose motor vehicle license was  
15 canceled, suspended, or revoked was served personally  
16 with notice. If The reinstatement fee shall be five  
17 dollars if the person whose motor vehicle license was  
18 canceled, suspended, or revoked was served notice by  
19 certified mail, the reinstatement fee shall be ten  
20 dollars."

21 2. Page 1, line 5, by striking the words  
22 "operator's or chauffeur's" and inserting the  
23 following: "operator's or chauffeur's motor vehicle".

24 3. Page 1, line 16, by inserting after the word  
25 "person" the following: "under eighteen years of  
26 age".

27 4. Page 1, line 18, by inserting after the word  
28 "license" the following: "in this state".

29 5. Page 1, line 22, by inserting after the words  
30 "of cancellation" the following: "for the first  
31 conviction and sixty days after the date of  
32 cancellation for any subsequent conviction. The  
33 effective date of cancellation shall be twenty days  
34 after receipt of notice".

35 6. Page 1, by inserting after line 34 the fol-

36 lowing:

37 "Sec. \_\_\_\_\_. Section 321.212, subsection 2, Code  
38 1989, is amended to read as follows:

39 2. The department upon suspending or revoking a  
40 motor vehicle license shall require that ~~such the~~  
41 motor vehicle license be surrendered to and be  
42 retained by the department except that at the end of  
43 the period of suspension ~~such the motor vehicle~~  
44 license so surrendered shall be returned to the  
45 licensee subject to payment of a reinstatement fee  
46 when required under section 321.191."

47 7. Title page, by striking line 1 and inserting  
48 the following: "An Act relating to the cancellation,  
49 suspension, and revocation of motor vehicle licenses  
50 by providing for a reinstatement fee in certain

**Page 2**

- 1 circumstances, and by providing for the cancellation
- 2 of operator's and chauffeur's licenses in certain
- 3 circumstances during".

Amendment H—3352 was adopted.

Cannolly 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 473)

The ayes were, 86:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Cannolly
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklath	Schrader	Shearer
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 8:

Brand	Brown	Doderer	Hansen, S. D.
Jay	Jesse	Stromer	Teaford

Absent or not voting, 6:

Bennett	Kremer	McKinney	Ollie
Rosenberg	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 644**, a bill for an act relating to institutions, programs, and funds for which the college aid commission acts as a guaranteeing agency, was taken up for consideration.

Wise of Lee offered the following amendment H—3499 filed by him and moved its adoption:

H—3499

- 1 Amend House File 644 as follows:
- 2 1. Page 1, by striking lines 15 and 16 and
- 3 inserting the following: "One such member shall be a
- 4 representative of the Iowa student loan liquidity
- 5 corporation or any affiliated corporation subsequently
- 6 created by the Iowa student loan liquidity
- 7 corporation. The other three such".

Amendment H—3499 was adopted.

Van Maanen of Mahaska offered the following amendment H—3500 filed by him and moved its adoption:

H—3500

- 1 Amend House File 644 as follows:
- 2 1. Page 1, by striking lines 26 and 27.
- 3 2. By renumbering as necessary.

Amendment H—3500 was adopted.

Wise of Lee offered the following amendment H—3510 filed by him and moved its adoption:

H—3510

- 1 Amend House File 644 as follows:
- 2 1. Page 6, by striking lines 12 and 13 and in-
- 3 serting the following: "general fund of the state.
- 4 Payments remaining in".

Amendment H—3510 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 644)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Pony
Renaud	Renken	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Bennett	Kremer	McKinney	Neuhauser
Rosenberg			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 647**, a bill for an act relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies, was taken up for consideration.

Stromer of Hancock offered amendment H—3467 filed by him. Division was requested as follows:

H—3467

1 Amend House File 647 as follows:

H—3467A

2 1. Page 1, line 4, by inserting after the word  
3 “governor” the following: “or the general assembly”.

H—3467B

4 2. Page 1, line 5, by inserting after the word  
5 “issues.” the following: “This paragraph includes  
6 interim and standing committees of the general  
7 assembly.”

On motion by Stromer of Hancock, amendment H—3467A was adopted.

Stromer of Hancock asked and received unanimous consent to withdraw amendment H—3467B.

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. 647)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Pony
Renaud	Renken	Royer	Schnekkloth
Schrader	Shearer	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Bennett	Hatch	Kremer	McKinney
Rosenberg	Sherzan	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Bisignano of Polk in the chair at 10:38 a.m.

**House File 468**, a bill for an act relating to the advertisement and sale of wood building materials, and making penalties applicable, with report of committee recommending passage was taken up for consideration.

Jesse of Jasper offered the following amendment H—3415 filed by the committee on small business and commerce and moved its adoption:

H—3415

- 1 Amend House File 468 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 “, or the actual sale,”.
- 4 2. Page 1, by striking lines 11 through 13.
- 5 3. Title page, line 1, by striking the words “and
- 6 sale”.
- 7 4. By renumbering as necessary.

The committee amendment H—3415 was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 468)

The ayes were, 54:

Adams	Arnould	Avenson, Spkr.	Beatty
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Mertz	Lundby	Lykam
May	Mertz	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Tabor	Teaford
Wise	Bisignano		
	Presiding		

The nays were, 43:

Banks	Beaman	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Lageschulte	Maulsby
McKean	Metcalf	Miller	Muhlbauer
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Royer	Schnekloth	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	

Absent or not voting, 3:

Bennett	Kremer	McKinney
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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.

Speaker Avenson in the chair at 11:09 a.m.

**House File 379**, a bill for an act relating to the hospice licensure renewal fee, 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?" (H.F. 379)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	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	Hermann	Hester
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg

Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Bennett	Buhr	Hansen, S. D.	Haverland
Holveck	Kremer	McKinney	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 643**, a bill for an act relating to the filing of a bond by out-of-state contractors, 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. 643)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Bennett	Brand	Jay	Kremer
McKinney	Petersen, D. F.		

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 the protection of water quality, including the establishment of protected areas, and providing a penalty, was taken up for consideration.

Johnson of Winneshiek offered the following amendment H—3522 filed by him and moved its adoption:

H—3522

- 1 Amend House File 600 as follows:
- 2 1. Page 1, line 18, by striking the words
- 3 "ordinary high-water mark" and inserting the
- 4 following: "top of the bank".

Amendment H—3522 was adopted.

Carpenter of Polk rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on House File 600.

Johnson of Winneshiek asked and received unanimous consent that House File 600 be deferred and that the bill retain its place on the calendar.

(Ruling on Joint Rule 17, requiring a fiscal note, pending.)

**House File 579**, a bill for an act relating to involuntary hospitalization procedures applicable to the mentally ill, was taken up for consideration.

Spear of Lee offered the following amendment H—3388 filed by him and moved its adoption:

H—3388

- 1 Amend House File 579 as follows:
- 2 1. Page 1, line 16, by striking the word
- 3 "either".

Amendment H—3388 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. 579)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Bennett	Blanshan	Kremer	McKinney
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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 CONCURRENT RESOLUTION 7

Fey of Scott called up for consideration House Concurrent Resolution 7, relating to the implementation of a state public transit assistance fund distribution formula recommended by the Iowa public transit assistance distribution study steering committee, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 655**, a bill for an act relating to the second injury fund,

by increasing payments to the fund in event of a job-related death, and providing an effective date, was taken up for consideration.

Ollie of Clinton offered the following amendment H—3511 filed by him and moved its adoption:

H—3511

- 1 Amend House File 655 as follows:
- 2 1. Page 1, line 8, by striking the word "twenty"
- 3 and inserting the following: "fifteen".

Amendment H—3511 was adopted.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 655)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Bennett	Diemer	Harbor	Hatch
Kistler	Kremer	Lageschulte	McKinney

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 708**, by committee on natural resources and outdoor recreation, a bill for an act creating an Iowa resources enhancement and protection fund, providing for the allocation of fund revenue and making appropriations, imposing a tax on certain beverage containers, providing for properly related matters, and subjecting violators to penalties.

Read first time and referred to committee on **ways and means**.

On motion by Arnould of Scott, the House was recessed at 12:01 p.m., until 2:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### INTRODUCTION OF BILLS

**House File 709**, by committee on state government, a bill for an act relating to credit card receipt processing for state departments.

Read first time and placed on the **calendar**.

**House File 710**, by Shoning, Garman, Banks, Lundby, Petersen of Muscatine, Siegrist, McKean, Trent and Hanson of Delaware, a bill for an act relating to and making appropriations of petroleum over-charge funds.

Read first time and referred to committee on **appropriations**.

**House File 711**, by committee on transportation, a bill for an act requiring a single registration plate to be generally displayed on the rear of vehicles and providing an effective date.

Read first time and placed on the **calendar**.

**House File 712**, by committee on energy and environmental protection, a bill for an act relating to the penalty imposed for discarding any litter or debris onto or in any land or water of this state.

Read first time and placed on the **calendar**.

**House File 713**, by committee on energy and environmental protection, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee.

Read first time and placed on the **calendar**.

**House File 714**, by committee on energy and environmental protection, a bill for an act relating to the prohibition of certain sewage ash at a sanitary landfill or other off-premises facilities.

Read first time and placed on the **calendar**.

**House File 715**, by committee on transportation, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions and providing effective dates.

Read first time and placed on the **calendar**.

**House File 716**, by committee on state government, a bill for an act relating to campaign finance, providing limitations on contributions to candidates and political committees, restricting the use of certain unexpended balances, providing that the lieutenant governor is not considered a separate candidate for campaign finance purposes, amending provisions relating to treasurers of committees, providing additional requirements with respect to disclosures, providing for a political contribution credit on the personal income tax under certain circumstances, providing penalties, providing properly related matters, providing an effective date, and providing retroactive and other applicability dates.

Read first time and referred to committee on **ways and means**.

**House File 717**, by committee on state government, a bill for an act relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter.

Read first time and placed on the **calendar**.

#### SENATE MESSAGE CONSIDERED

**Senate File 474**, by committee on agriculture, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter.

Read first time and referred to committee on **agriculture**.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 529**, a bill for an act relating to the exemption from civil and criminal liability arising from the donation of food, with report of committee recommending passage 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. 529)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
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	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Connolly	De Groot	Fey	Koenigs
Kremer	Muhlbauer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

**House Joint Resolution 5**, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 5 of Article I of the Constitution of the State of Iowa is repealed.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause the amendment to be published for three consecutive months before the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (H.J.R. 5)

The ayes were, 80:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	Diemer	Doderer	Dvorsky
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	Jochum	Johnson	Kistler
Knapp	Lundby	Lykam	Maulsby
May	McKinney	Metcalf	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 9:

Beaman	Black	Brown	Eddie
Hibbard	Lageschulte	McKean	Miller
Renken			

Absent or not voting, 11:

Connolly	Connors	De Groot	Fey
Gruhn	Jesse	Koenigs	Kremer
Mertz	Muhlbauer	Plasier	

The joint resolution having received a constitutional majority, was declared to have been adopted and agreed to by the House.

**House File 309**, a bill for an act to establish an Iowa sportsper-son license and a license fee, with report of committee recommend-ing amendment and passage was taken up for consideration.

May of Worth offered the following amendment H—3196 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—3196

- 1 Amend House File 309 as follows:
- 2 1. Page 1, by striking lines 8 through 10 and
- 3 inserting the following:
- 4 "\_\_\_\_\_. Annual resident fur, fish, and game
- 5 license."
- 6 2. Page 1, by striking lines 19 through 21 and
- 7 inserting the following: "purchased Iowa sportsperson
- 8 licenses. The department shall make the Iowa
- 9 sportsperson licenses available to the county
- 10 recorders and to all depositaries who request the Iowa
- 11 sportsperson license for their inventories.
- 12 \_\_\_\_\_. The department shall distribute the revenue
- 13 from the sale of Iowa sportsperson licenses among the
- 14 funds to which revenue would be deposited from the
- 15 sale of the individual licenses, permits, and
- 16 subscriptions listed in subsection 1, paragraphs "a"
- 17 through "f" in the same proportion as the individual
- 18 fee is to the total of all individual fees.
- 19 \_\_\_\_\_. The department shall adopt rules as required
- 20 to implement this section."
- 21 3. By renumbering paragraphs and subsections as
- 22 required.

The committee amendment H—3196 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. 309)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 5:

Banks	Corbett	Hatch	Renken
Royer			

Absent or not voting, 5:

Gruhn	Kremer	Miller	Plasier
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House Joint Resolution 12**, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed.

Section 1 of Article I of the Constitution of the State of Iowa, is amended to read as follows:

**RIGHTS OF PERSONS. SECTION 1.** All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness. Neither the State nor any of its political subdivisions shall, on the basis of gender, deny or restrict the equality of rights under the law.

Sec. 2. The foregoing proposed amendment to the Constitution of the State of Iowa is hereby referred to the general assembly to be chosen at the next general election for members of the general assembly, and the secretary of state is directed to cause the same to be published for three consecutive months before the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to by the House?" (H.J.R. 12)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise
Mr. Speaker			
Avenson			

The nays were, 7:

Baaks	Daggett	De Groot	Garman
Renken	Stromer	Van Maanen	

Absent or not voting, 4:

Gruhn	Hermann	Kremer	Svoboda
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### Appropriations Calendar

**House File 400**, a bill for an act relating to state capital projects and other state fiscal planning, budgeting, oversight, and expenditures, was taken up for consideration.

McKinney of Dallas offered the following amendment H—3430 filed by him and moved its adoption:

H—3430

- 1 Amend House File 400 as follows:
- 2 1. Page 9, line 21, by inserting after the figure
- 3 "8.3A." the following: "In addition, the director
- 4 shall prepare and maintain the status on additional
- 5 data elements relating to the real property and
- 6 equipment designated by the department of revenue and
- 7 finance which are necessary for use by the department
- 8 of revenue and finance in preparation of the
- 9 comprehensive annual financial report of the state."
- 10 2. Page 10, line 10, by inserting after the word
- 11 "equipment," the following: "and the reporting of the
- 12 additional data elements necessary for the department
- 13 of revenue and finance to prepare the financial
- 14 report,".
- 15 3. Page 10, line 26, by inserting after the word
- 16 "governor" the following: ", the department of
- 17 revenue and finance,".

Amendment H—3430 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. 400)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland

Svoboda  
Trent  
Mr. Speaker  
Avenson

Swartz  
Tyrrell

Tabor  
Van Maanen

Teaford  
Wise

The nays were, 1:

McKean

Absent or not voting, 2:

Brand                      Kremer

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 3:16 p.m., until the fall of the gavel.

The House resumed session at 4:13 p.m., Speaker Avenson in the chair.

### UNANIMOUS CONSENT

Muhlbauer of Crawford asked and received unanimous consent to change his vote from "nay" to "aye" on House Joint Resolution 12.

**House File 598**, a bill for an act relating to the testing of public water systems, and making penalties applicable, was taken up for consideration.

Hanson of Delaware offered the following amendment H—3410 filed by him and moved its adoption:

H—3410

- 1 Amend House File 598 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "establish" the following: "up to".

Amendment H—3410 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?" (H.F. 598)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga

Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 3:

Jochum                      Kremer                      Trent

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 for the immediate consideration of bills listed on the Revised Daily Debate Calendar for Wednesday, March 22, 1989.

### RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of bills listed on the Revised Daily Debate Calendar for Wednesday, March 22, 1989.

**House File 656**, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind, was taken up for consideration.

Schrader of Marion offered the following amendment H-3543 filed by him and Banks of Plymouth from the floor and moved its adoption:

H-3543

- 1 Amend House File 656 as follows:
- 2 1. Page 1, by striking lines 3 through 6, and  
3 inserting the following:
- 4 "1. When purchasing paper products, the department  
5 of general services shall, whenever the price is  
6 reasonably competitive and the quality intended,  
7 purchase the recycled product. The According to the  
8 schedule established in this".
- 9 2. Page 1, line 12, by striking the words  
10 "plastic products,".
- 11 3. Page 2, by striking lines 13 through 17.
- 12 4. Page 2, line 26, by striking the words "paper,  
13 inks," and inserting the following: "inks".
- 14 5. Page 2, line 27, by striking the words  
15 "plastic products," and inserting the following:  
16 "plastic".
- 17 6. Page 3, lines 33 and 34, by striking the words  
18 "recovered materials, starch-based plastics," and  
19 inserting the following: "starch-based plastics".
- 20 7. Page 4, lines 1 and 2, by striking the words  
21 "recycled products, starch-based plastics," and  
22 inserting the following: "starch-based plastics".
- 23 8. Page 4, line 3, by striking the words  
24 "recycled content, starch-based plastic," and  
25 inserting the following: "starch-based plastic".
- 26 9. Page 4, by striking lines 5 through 10.
- 27 10. Page 4, by striking lines 17 through 19.
- 28 11. Page 4, line 26, by striking the words  
29 "paper, inks," and inserting the following: "inks".
- 30 12. Page 4, line 28, by striking the words  
31 "plastic products,".
- 32 13. Page 4, line 28, by striking the words  
33 "liners, and" and inserting the following: "liners".
- 34 14. Page 5, line 17, by striking the words  
35 "paper, inks, and" and inserting the following: "inks  
36 and".
- 37 15. Page 6, line 23, by striking the words  
38 "recovered materials, starch-based plastics," and  
39 inserting the following: "starch-based plastics".
- 40 16. Page 6, lines 26 and 27, by striking the  
41 words "recycled products, starch-based plastics," and  
42 inserting the following: "starch-based plastics".
- 43 17. Page 6, line 27, by striking the word "inks"  
44 and inserting the following: "inks,".
- 45 18. By striking page 6, line 30 through page 7,  
46 line 1.
- 47 19. Page 7, by striking lines 8 through 10.
- 48 20. Page 7, by inserting after line 10, the  
49 following:
- 50 "Sec. \_\_\_\_\_. If there is a conflict between any

**Page 2**

- 1 provision of this Act, as enacted, and 1989 Iowa Acts,
- 2 House File 476 or Senate File 487, as enacted, the
- 3 provision contained in 1989 Iowa Acts, House File 476
- 4 or Senate File 487, shall control."
- 5 21. By renumbering as necessary.

Amendment H—3543 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. 656)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 3:

Jesse	Miller	Shultz
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Absent or not voting, 5:

Jochum	Kremer	Peters	Teaford
Trent			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 18**, a bill for an act relating to the possession and delivery of alcoholic liquor, wine, or beer by a person under legal age, 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. 18)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	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	Hester	Hibbard	Holveck
Jesse	Johnson	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 2:

Hammond            Kistler

Absent or not voting, 6:

Hermann	Jay	Jochum	Kremer
Mertz	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 506**, a bill for an act relating to the solicitation of public donations and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H—3387 filed by the committee on state government and moved its adoption:

H—3387

- 1 Amend House File 506 as follows:
- 2 1. Page 3, by striking lines 1 through 4, and
- 3 inserting the following: "furnished by the secretary
- 4 of state."
- 5 2. Page 3, by inserting after line 16 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. NEW SECTION. 122.7 SEVERABILITY.
- 8 If any provision of this chapter or application of
- 9 a provision of this chapter to any person or
- 10 circumstances is held invalid, the invalidity shall
- 11 not affect other provisions or applications of the
- 12 chapter which can be given effect without the invalid
- 13 provision or application, and to this end, the
- 14 provisions of this chapter are severable."
- 15 3. By numbering and renumbering as necessary.

The committee amendment H—3387 was adopted.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 506)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz

Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Jochum	Kremer	Ollie	Trent
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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 480**, a bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty, with report of committee recommending amendment and passage was taken up for consideration.

May of Worth offered the following amendment H—3418 filed by the committee on natural resources and outdoor recreation:

H—3418

- 1 Amend House File 480 as follows:
- 2 1. Page 1, by striking lines 8 through 13 and
- 3 inserting the following: "dealer's license or at an
- 4 established fur auction. A licensed fur dealer may
- 5 purchase location permits to operate at locations
- 6 other than at the location specified on the fur
- 7 dealer's license. Each location permit shall be valid
- 8 only for the one location specified on the location
- 9 permit and shall entitle the fur dealer and employee,
- 10 agent, or representative of the licensed fur dealer to
- 11 operate at that location. The commission shall, upon
- 12 application and the payment of the required license
- 13 fee, furnish the proper certificates license and
- 14 location permits to dealers the dealer."
- 15 2. Page 1, by inserting before line 14 the
- 16 following:
- 17 "Sec. \_\_\_\_\_. Section 110.1, subsection 5, Code 1989,
- 18 is amended by adding the following new lettered
- 19 paragraphs following paragraph "e" and relettering the
- 20 remaining paragraph:
- 21 f. Location permit for resident fur dealers . . . . . \$ 50.00
- 22 g. Location permit for nonresident fur dealers . . . \$100.00".

May of Worth offered the following amendment H—3531, to the committee amendment H—3418, filed by him from the floor and moved its adoption:

H—3531

- 1 Amend amendment, H—3418, to House File 480 as
- 2 follows:
- 3 1. Page 1, line 3, by striking the words "or at"
- 4 and inserting the following: ", at".
- 5 2. Page 1, line 4, by inserting after the word
- 6 "auction" the following: ", at the nonadvertised
- 7 residence of a licensed fur harvester, or at the place
- 8 of business specified on the license of any fur
- 9 dealer".

Amendment H—3531 was adopted.

Fuller of Hardin offered the following amendment H—3452, to the committee amendment H—3418, filed by him and moved its adoption:

H—3452

- 1 Amend the amendment, H—3418, to House File 480 as
- 2 follows:
- 3 1. Page 1, line 21, by striking the figure
- 4 "50.00" and inserting the following: "25.00".
- 5 2. Page 1, line 22, by striking the figure
- 6 "100.00" and inserting the following: "50.00".

Amendment H—3452 was adopted.

On motion by May of Worth, the committee amendment H—3418, as amended, 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. 480)

The ayes were, 69:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Chapman	Cohoon	Connolly	Connors
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Harper	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney

Mertz	Neuhauser	Nielsen	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Tyrrell
Mr. Speaker Avenson			

The nays were, 28:

Banks	Buhr	Carpenter	Clark
De Groot	Eddie	Garman	Halvorson, R. N.
Hanson, D. R.	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Knapp
Metcalf	Miller	Ollie	Petersen, D. F.
Plasier	Renken	Schnekloth	Shoultz
Siegrist	Tabor	Van Maanen	Wise

Absent or not voting, 3:

Kremer	Muhlbauer	Trent
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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 659**, a bill for an act relating to a guaranteed student loan payment program, providing for loans to nurses, math-science teachers, and occupational therapists, was taken up for consideration.

Daggett of Adams offered the following amendment H—3521 filed by him and moved its adoption:

H—3521

- 1 Amend House File 659 as follows:
- 2 1. Page 2, line 23, by inserting after the word
- 3 "registered" the following: "or licensed practical".
- 4 2. Page 3, line 2, by inserting after the word
- 5 "registered" the following: "or licensed practical".
- 6 3. Page 3, line 13, by inserting after the word
- 7 "registered" the following: "or licensed practical".

Amendment H—3521 was adopted.

Neuhauser of Johnson offered the following amendment H—3535 filed by her from the floor and moved its adoption:

H—3535

- 1 Amend House File 659 as follows:
- 2 1. Page 2, line 24, by inserting after the word
- 3 "hospital" the following: ", state agency, agency of
- 4 a political subdivision, or agency delivering home-
- 5 based health care,".

Amendment H—3535 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. 659)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Kremer                      Trent

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 660**, a bill for an act requiring the performance of monthly fuel surveys by the department of natural resources, was taken up for consideration.

Connolly of Dubuque offered the following amendment H—3502 filed by him and moved its adoption:

H—3502

- 1 Amend House File 660 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "state." the following: "Additionally, the department
- 4 shall perform monthly fuel surveys in cities with
- 5 populations of over fifty thousand which establish a
- 6 statistical average of motor fuel prices for various
- 7 motor fuels provided in those individual cities."

Amendment H—3502 was adopted.

Beatty of Warren in the chair at 5:25 p.m.

Speaker Avenson in the chair at 5:44 p.m.

Arnould of Scott asked and received unanimous consent that House File 660 be deferred and that the bill retain its place on the calendar.

#### INTRODUCTION OF BILLS

**House File 718**, by committee on human resources, a bill for an act relating to medical and health needs, including provisions relating to medical and health care, the expansion of medical assistance eligibility for certain persons; physicians' charges for services to beneficiaries of health insurance under Title XVIII of the federal Social Security Act and providing for the collection and analysis of information; requiring the department of human services to adopt rules and conduct studies regarding health care providers which are reimbursed under the medical assistance program; the requirement of the department of human services to collect certain data relating to usage of health maintenance organization services by recipients of medical assistance; health promotion and disease by expanding the employee assistance program; requiring certain persons to wear helmets and providing a penalty; establishing loan payment programs for certain registered nurses and osteopathic physicians; use of certain hospital tax levies; and providing for other properly related matters.

Read first time and placed on the **calendar**.

**House File 719**, by committee on energy and environmental protection, a bill for an act relating to the elimination of the environmental protection commission.

Read first time and placed on the **calendar**.

**House File 720**, by committee on energy and environmental protection, a bill for an act relating to joint financing of public works and facilities under chapter 28F.

Read first time and placed on the **calendar**.

**House File 721**, by committee on local government, a bill for an act enacting the quad cities interstate metropolitan authority compact.

Read first time and placed on the **calendar**.

**House File 722**, by committee on energy and environmental protection, a bill for an act relating to infectious waste management.

Read first time and placed on the **calendar**.

**House File 723**, by committee on transportation, a bill for an act relating to the implementation of a program for integrated roadside vegetation management, including the crediting of moneys to the living roadway trust fund, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 724**, by committee on local government, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties.

Read first time and placed on the **calendar**.

**House File 725**, by committee on judiciary and law enforcement, a bill for an act relating to the administration of small estates.

Read first time and placed on the **calendar**.

**House File 726**, by committee on economic development, a bill for an act authorizing the imposition of an economic development tax levy by cities, counties, and special land use districts acting independently or jointly.

Read first time and referred to committee on **ways and means**.

**House File 727**, by committee on small business and commerce, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions.

Read first time and placed on the **calendar**.

**House File 728**, by committee on local government, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information

required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase.

Read first time and placed on the **calendar**.

**House File 729**, by committee on small business and commerce, a bill for an act relating to insurance coverage for health care services, requiring that coverage be made available for care provided by certain registered nurses, providing for direct payment, modifying provisions relating to preferred providers, and providing for data collection and utilization review.

Read first time and placed on the **calendar**.

**House File 730**, by committee on state government, a bill for an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 731**, by committee on agriculture, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor.

Read first time and placed on the **calendar**.

**House File 732**, by committee on local government, a bill for an act requiring county treasurers to refuse renewals of vehicle registrations when notified that a person has not paid certain fines, unsecured appearance bonds, costs, or surcharges.

Read first time and placed on the **calendar**.

**House File 733**, by committee on agriculture, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Read first time and placed on the **calendar**.

**House File 734**, by committee on agriculture, a bill for an act relating to the powers and duties of the Iowa corn promotion board.

Read first time and placed on the **calendar**.

**House File 735**, by committee on state government, a bill for an act relating to enhanced 911 emergency telephone communications systems.

Read first time and placed on the **calendar**.

**House File 736**, by committee on labor and industrial relations, a bill for an act relating to the use of integrity tests as a condition of employment and providing a penalty.

Read first time and placed on the **calendar**.

**House File 737**, by committee on transportation, a bill for an act requiring public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors.

Read first time and placed on the **calendar**.

**House File 738**, by committee on energy and environmental protection, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable.

Read first time and placed on the **calendar**.

**House File 739**, by committee on transportation, a bill for an act regarding the application process for federal airport funds and mandating that governmental subdivisions, commissions, and authorities submit the applications to the state department of transportation for approval.

Read first time and placed on the **calendar**.

**House File 740**, by committee on judiciary and law enforcement, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable.

Read first time and placed on the **calendar**.

**House File 741**, by committee on local government, a bill for an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

Read first time and placed on the **calendar**.

**House File 742**, by committee on energy and environmental protection, a bill for an act relating to environmental protection including provisions regarding pesticides, fertilizers, and animal waste systems; establishing fees; providing penalties; making appropriations; and providing for other properly related matters.

Read first time and referred to committee on **ways and means**.

**House File 743**, by committee on energy and environmental protection, a bill for an act relating to or making appropriations from the general fund of the state and from the petroleum overcharge funds for purposes related to energy conservation.

Read first time and referred to committee on **appropriations**.

**House File 744**, by committee on judiciary and law enforcement, a bill for an act providing for the appointment of a study committee to examine medical malpractice insurance premium rates.

Read first time and placed on the **calendar**.

**House File 745**, by committee on transportation, a bill for an act relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates.

Read first time and placed on the **calendar**.

**House File 746**, by committee on local government, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

Read first time and referred to committee on **ways and means**.

**House File 747**, by committee on state government, a bill for an act relating to membership in state group insurance plans by permitting part-time secretaries of members of the general assembly to elect membership in a plan, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 748**, by committee on judiciary and law enforcement, a bill for an act relating to the liability of an association or corporation resulting from services provided by the association or corporation.

Read first time and placed on the **calendar**.

**House File 749**, by committee on local government, a bill for an act providing for the regulation of dogs, and providing penalties and effective dates.

Read first time and placed on the **calendar**.

Tabor of Jackson in the chair at 6:06 p.m.

**MOTIONS TO RECONSIDER**  
(House File 468)

I move to reconsider the vote by which House File 468 passed the House on March 22, 1989.

**BRAMMER** of Linn

(House File 656)

I move to reconsider the vote by which House File 656 passed the House on March 22, 1989.

**STROMER** of Hancock

**REFERRED TO COMMITTEE ON LOCAL GOVERNMENT**  
(House File 472)

The Speaker announced that House File 472, presently on the **regular calendar**, was referred to the committee on **local government**.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 22, 1989. Had I been present, I would have voted "aye" on House File 533.

**ADAMS** of Hamilton

I was necessarily absent from the House chamber on March 22, 1989. Had I been present, I would have voted "aye" on House Joint Resolution 12.

**GRUHN** of Dickinson

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Twenty-eight fifth grade students from Colo Elementary School, Colo, accompanied by Liz Robinson. By Rosenberg of Story and Garman of Story.

Sixty-five eighth grade students from Dallas Center-Grimes Junior High School, Grimes, accompanied by Bill Wineland. By McKinney of Dallas and Haverland of Polk.

## AMENDMENTS FILED

H-3526	H.F.	665	Spear of Lee
H-3527	H.F.	531	Petersen of Muscatine
H-3528	S.F.	124	Spenner of Henry
H-3529	H.F.	685	Spear of Lee
H-3530	S.F.	124	Corbett of Linn
H-3532	H.F.	668	Fogarty of Palo Alto
H-3533	H.F.	600	Petersen of Muscatine
H-3534	H.F.	600	Petersen of Muscatine
H-3536	S.F.	363	Mertz of Kossuth
H-3537	H.F.	362	Koenigs of Mitchell
H-3538	H.F.	638	Petersen of Muscatine
H-3539	H.F.	319	Hanson of Delaware
H-3540	H.F.	600	Petersen of Muscatine
			Johnson of Winneshiek
H-3541	S.F.	124	Lageschulte of Bremer
H-3542	S.F.	124	Lageschulte of Bremer
H-3544	H.F.	600	Spear of Lee
H-3545	S.F.	124	Tyrrell of Iowa
H-3546	S.F.	124	Tyrrell of Iowa
H-3547	S.F.	124	Spenner of Henry
H-3548	S.F.	124	Spenner of Henry
			Gruhn of Dickinson
H-3549	S.F.	363	Harbor of Mills
			Halvorson of Clayton
H-3550	H.F.	142	Brammer of Linn
H-3551	H.F.	660	Stromer of Hancock
H-3552	H.F.	531	Osterberg of Linn
H-3553	H.F.	600	Petersen of Muscatine
H-3554	S.F.	124	Holveck of Polk
H-3555	S.F.	124	Holveck of Polk
H-3556	H.F.	433	Wise of Lee
H-3557	H.F.	551	Brown of Lucas
H-3558	H.F.	531	Svoboda of Tama

On motion by Arnould of Scott, the House adjourned at 6:17 p.m., until 9:00 a.m., Thursday, March 23, 1989.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 23, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Vic Stueland, state representative from Clinton County.

The Journal of Wednesday, March 22, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Doderer of Johnson, from seventy-two constituents opposing any increase in beer, wine or soft drink tax measures.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Trent of Muscatine on request of Petersen of Muscatine.

## INTRODUCTION OF BILL

**House File 750**, by Maulsby, a bill for an act establishing a farmland preservation program and providing a farmland preservation tax credit.

Read first time and referred to committee on **agriculture**.

## SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 8**, by committee on appropriations, a joint resolution to nullify an administrative rule of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date.

Read first time and referred to committee on **human resources**.

**Senate File 317**, by committee on agriculture, a bill for an act relating to the sale of milk products, by providing for the issuance of permits.

Read first time and referred to committee on **agriculture**.

**Senate File 344**, by committee on judiciary, a bill for an act relating to the violation of or interference with civil rights, including dis-

crimination based upon association with protected class members and age, the definition of public accommodation, the right to a jury trial, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 346**, by committee on business and labor relations, a bill for an act relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 371**, by committee on state government, a bill for an act relating to elections and election procedures.

Read first time and referred to committee on **state government**.

**Senate File 391**, by committee on judiciary, a bill for an act relating to reporting county jail information to the director of the department of corrections.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 395**, by committee on judiciary, a bill for an act adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 406**, by committee on judiciary, a bill for an act relating to retention of a court reporter by a newly appointed judge.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 407**, by committee on state government, a bill for an act relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

Read first time and referred to committee on **state government**.

**Senate File 410**, by committee on human resources, a bill for an act relating to the conducting of an epidemiological blinded study to determine the prevalence of the human immunodeficiency virus infection and providing an effective date.

Read first time and referred to committee on **human resources**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 21, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 6, a joint resolution to nullify an administrative rule of the department of education relating to identification markings allowed on school buses and providing an effective date.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 76, a bill for an act providing for jailer training programs to be administered by the Iowa law enforcement academy.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 86, a bill for an act relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 110, a bill for an act relating to foster care review by establishing certain reporting requirements.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 266, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 278, a bill for an act relating to the disclosure of information by continuing care facilities and senior adult congregate living facilities, and providing penalties.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 321, a bill for an act relating to the provision of child day care to children of state employees and providing effective dates.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 327, a bill for an act relating to the misappropriation of property, and making penalties applicable.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act relating to the establishment of a tristate graduate center by the state board of regents for certain students.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 349, a bill for an act relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act prohibiting the theft of a veteran's grave marker, and providing a penalty.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to the administration and use of the civil reparations trust fund.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 416, a bill for an act relating to the identification of persons engaged in private investigation and private security businesses.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 428, a bill for an act relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area.

Also: That the Senate has on March 21, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 442, a bill for an act relating to rules adopted under section 321.450 as they relate to physical and medical qualifications of drivers of commercial vehicles engaged in intrastate commerce and to retail dealers and their employees delivering fertilizers, petroleum products, and pesticides to farm customers and providing an effective date.

Also: That the Senate has on March 21, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, a concurrent resolution urging the Congress to

address the adverse effects of the federal Social Security program which discriminates against certain persons due to their birth dates.

Also: That the Senate has on March 21, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 10, a concurrent resolution relating to federal coal slurry pipeline legislation.

Also: That the Senate has on March 21, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution relating to the recognition of American sign language as an appropriate school course offering and requiring a study of the inclusion of American sign language in the public school curricula by the department of education.

JOHN F. DWYER, Secretary

### MOTION TO RECONSIDER WITHDRAWN (House File 535)

Ollie of Clinton asked and received unanimous consent to withdraw the motion to reconsider House File 535, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, filed by him on March 21, 1989.

### SPECIAL PRESENTATION

Continuing the observance of Women's History Month, Nielsen of Linn presented to the House the following members of the Iowa Women's Hall of Fame: Jacqueline Day, (elected to the Hall of Fame in 1978); Mary Louise Smith, (elected to the Hall of Fame in 1977); Beverly George Everett, (elected to the Hall of Fame in 1983); Louise Rosenfeld Noun, (elected to the Hall of Fame in 1981); Willie Stevenson Glanton, (elected to the Hall of Fame in 1986); Jolly Ann Davidson, (elected to the Hall of Fame in 1987); and Mary Garst (elected to the Hall of Fame in 1981).

The House rose and expressed its welcome.

### CONSIDERATION OF BILLS Regular Calendar

**House File 156**, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, with report of committee recommending amendment and passage was taken up for consideration.

Ollie of Clinton offered the following amendment H—3264 filed by the committee on labor and industrial relations and moved its adoption:

H—3264

- 1 Amend House File 156 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 515A.6, subsection 7, Code
- 5 1989, is amended by striking the subsection."
- 6 2. By renumbering as necessary.

The committee amendment H—3264 was adopted.

Ollie of Clinton offered the following amendment H—3266 filed by him and moved its adoption:

H—3266

- 1 Amend House File 156 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "parts" the following: ", and the hearing in a
- 4 proceeding involving a workers' compensation insurance
- 5 rate".

Amendment H—3266 was adopted.

Swartz of Marshall in the chair at 9:43 a.m.

Speaker Avenson in the chair at 10:11 a.m.

Arnould of Scott asked and received unanimous consent that House File 156 be deferred and that the bill retain its place on the calendar.

**House File 49**, a bill for an act relating to benefits provided to permanent, part-time employees, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—3292 filed by the committee on labor and industrial relations:

H—3292

- 1 Amend House File 49 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 91B.1 PART-TIME PUBLIC
- 5 EMPLOYEE BENEFITS.
- 6 Except as provided in a collective bargaining
- 7 agreement negotiated pursuant to chapter 20, a public
- 8 employer shall provide regular part-time public
- 9 employees, as defined in section 89 of the Internal

10 Revenue Code, who work an average of one-half time or  
 11 more, all employment-related benefits provided to the  
 12 employer's full-time public employees, except for  
 13 health insurance and dental insurance plans. The  
 14 minimum amount of employer-provided benefits shall be  
 15 based on the percentage of full-time work which the  
 16 part-time employee is performing.

17 However, a public employer shall only be required  
 18 to make available to regular part-time public  
 19 employees, who work an average of one-half time or  
 20 more, the same health and dental insurance plans  
 21 provided to the employer's full-time public employees.  
 22 If an employee chooses an employer-provided health or  
 23 dental insurance plan, the minimum employer  
 24 contribution for the health or dental insurance plan  
 25 shall be prorated based on the percentage of full-time  
 26 work for which the part-time employee was hired."

27 2. Title page, line 1, by inserting after the  
 28 word "part-time" the following: "public".

Arnould of Scott asked and received unanimous consent that House File 49 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3292 pending.)

**House File 466**, a bill for an act relating to fishing license reciprocity, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 466)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby

May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Hatch	Kremer	Sherzan	Trent
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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 660 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 660 be deferred and that the bill retain its place on the calendar.

**House File 662**, a bill for an act relating to court proceedings involving child support orders where the dependent child resides in another state, 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. 662)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam

Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Kremer	Ollie	Teaford	Trent
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Doderer of Johnson in the chair at 10:28 a.m.

**House File 663**, a bill for an act requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable, 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. 663)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.

Plasier	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Doderer
			Presiding

The nays were, 1:

Neuhauser

Absent or not voting, 3:

Kremer                      Royer                      Trent

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 551**, a bill for an act to modify the requirements for establishing an aviation authority, was taken up for consideration.

Brown of Lucas offered the following amendment H—3557 filed by him and moved its adoption:

H—3557

- 1 Amend House File 551 as follows:
- 2 1. Page 1, line 6, by striking the words "or
- 3 resolution".
- 4 2. Page 1, line 9, by striking the words "or
- 5 resolution".
- 6 3. Page 1, line 10, by striking the words "or
- 7 resolution".
- 8 4. Page 1, lines 18 and 19, by striking the words
- 9 "agreement, ordinance, or resolution" and inserting
- 10 the following: "agreement or ordinance".
- 11 5. Page 2, lines 2 and 3, by striking the words
- 12 "agreement, ordinance, or resolution" and inserting
- 13 the following: "agreement or ordinance".
- 14 6. Page 2, line 11, by inserting after the word
- 15 "years" the following: "at the pleasure of the
- 16 municipality appointing the members".
- 17 7. Page 3, lines 15 and 16, by striking the words
- 18 "or resolution".
- 19 8. Page 3, lines 24 and 25, by striking the words
- 20 "in the opinion of the authority" and inserting the
- 21 following: "in the opinion of the authority".
- 22 9. Page 4, lines 7 and 8, by striking the words
- 23 "why it wishes to withdraw and" and inserting the
- 24 following: "why it wishes to withdraw and".
- 25 10. Page 4, by striking line 18 and inserting the

- 26 following: "of the municipality if the".  
 27 11. Page 4, lines 21 and 22, by striking the  
 28 words "or resolution".  
 29 12. Page 5, line 1, by striking the words "or  
 30 resolution".

Amendment H—3557 was adopted.

Brown 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. 551)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Doderer	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Beatty	Kremer	Petersen, D. F.	Schrader
Trent			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 549**, a bill for an act relating to the agricultural product advisory council, was taken up for consideration.

Connors of Polk in the chair at 10:42 a.m.

Arnould of Scott asked and received unanimous consent that House File 549 be deferred and that the bill retain its place on the calendar.

**House File 668**, a bill for an act relating to deputy state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—3532 filed by him and moved its adoption:

H—3532

- 1 Amend House File 668 as follows:
- 2 1. Page 1, by inserting after line 19, the
- 3 following:
- 4 "Sec. \_\_\_\_\_, NEW SECTION. 64.15A BONDS OF
- 5 PRINCIPAL OFFICERS.
- 6 The exemptions provided in section 561.16 and
- 7 chapter 627 are applicable to any claim made against a
- 8 state, county, or city officer and each bond shall so
- 9 provide."
- 10 2. By striking page 1, line 34, through page 2,
- 11 line 2, and inserting the following: "property with
- 12 respect to claims based upon this contract." A
- 13 principal or deputy state, county, or city officer
- 14 shall not be required to waive the officer's homestead
- 15 exemption in order to be bonded as required pursuant
- 16 to chapter 64."
- 17 3. Renumber as necessary.

Amendment H—3532 was adopted.

The following amendment H—3576 filed by Fogarty of Palo Alto from the floor was adopted by unanimous consent:

H—3576

- 1 Amend House File 668, as follows:
- 2 1. Title page, line 1, by striking the word
- 3 "deputy" and inserting the words "bonds for".

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. 668)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, none.

Absent or not voting, 4:

Kremer	Plasier	Swartz	Trent
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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.

**House File 672**, a bill for an act relating to harassment 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. 672)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer

Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, none.

Absent or not voting, 4:

Kremer                      Sherzan                      Swartz                      Trent

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Wise of Lee in the chair at 10:59 a.m.

**House File 674**, a bill for an act relating to victim counseling and services, 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. 674)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay

Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Tabor	Teaford	Tyrrell
Van Maanen	Wise		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Kremer	Royer	Sherzan	Svoboda
Swartz	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 675**, a bill for an act relating to the establishment and financing of geographic data base systems by cities and counties, was taken up for consideration.

Speaker Avenson in the chair at 11:03 a.m.

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. 675)

The ayes were, 86:

Adams	Arnould	Banks	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	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	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Miller	Muhlbauer	Neuhauser
Ollie	Osterberg	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 11:

Beaman	Buhr	Corbett	Daggett
Hammond	Holveck	McKean	Metcalf
Nielsen	Swartz	Teaford	

Absent or not voting, 3:

Bennett	Kremer	Trent
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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 678**, a bill for an act relating to certain filings with the secretary of state by nonprofit corporations, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 678)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer

Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Hibbard	Kremer	Neuhauser	Trent
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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 679**, 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, 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. 679)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Brand                      Kremer                      Neuhauser                      Trent

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:

Harbor of Mills, for the remainder of the day, on request of Pavich of Pot-tawattamie.

**House File 542**, a bill for an act relating to reprisals and orders with respect to certain disclosures of information and other actions by employees of the state and its political subdivisions, providing penalties, providing civil remedies, and providing properly related matters, with report of committee recommending passage was taken up for consideration.

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?" (H.F. 542)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Pony	Renaud	Renken	Rosenberg
Schneklath	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Harbor	Koenigs	Kremer	Royer
Sherzan	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 669**, a bill for an act prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty, 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. 669)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Connolly	Groninga	Harbor	Kremer
Neuhauser	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 666**, a bill for an act to repeal the provision repealing the postsecondary options Act, was taken up for consideration.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 666)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Connolly	Harbor	Jesse	Kremer
Trent			

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 600**, a bill for an act relating to the protection of water quality, including the establishment of protected areas, and providing a penalty, and the request for a ruling on Joint Rule 17, requiring a fiscal note.

The Speaker ruled the point well taken and a fiscal note required which has been distributed.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3544 filed by him on March 22, 1989.

Petersen of Muscatine offered the following amendment H—3553 filed by him and moved its adoption:

H—3553

- 1 Amend House File 600 as follows:
- 2 1. Page 1, line 30, by striking the figure "1991"
- 3 and inserting the figure "1992".

A non-record roll call was requested.

The ayes were 34, nays 47.

Amendment H—3553 lost.

### SPECIAL PRESENTATION

Schnekloth of Scott presented to the House a group of young adults, ages eighteen to twenty-two, from the Schleswig-Holstein area of Germany. These people make up a band and chorus from that area and are on the track of the immigrants to the Midwest from the northern-most state of Germany. They are accompanied by Yogi Reppman from the Institute of Regional Research in Germany, and Glenn Sievers, chair of the American/Schleswig-Holstein Heritage Society in Scott County.

The House rose and expressed its welcome.

(House File 600 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 1:00 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-six members present, fourteen absent.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 600**, a bill for an act relating to the protection of water quality, including the estab-

ishment of protected areas, and providing a penalty, pending at recess.

Petersen of Muscatine asked and received unanimous consent to defer action on amendments H—3533, H—3534 and H—3540.

Muhlbauer of Crawford asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3561, filed by him from the floor as follows:

H—3561

- 1 Amend House File 600 as follows:
- 2 1. Page 2, line 26, by striking the words "Adopt
- 3 guidelines for standards and" and inserting the
- 4 following: "Develop recommendations for".
- 5 2. Page 2, line 32, by striking the word
- 6 "adopted." and inserting the following: "developed.
- 7 A report of the recommendations and requirements
- 8 developed shall be provided to the general assembly by
- 9 no later than January 15, 1991."
- 10 3. By striking page 2, line 33, through page 3,
- 11 line 14.

On motion by Muhlbauer of Crawford, amendment H—3561 was adopted placing out of order the following amendments, previously deferred, all filed by Petersen of Muscatine on March 22, 1989: H—3533, H—3534 and H—3540.

Ollie of Clinton in the chair at 1:56 p.m.

Speaker Avenson in the chair at 2:40 p.m.

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. 600)

The ayes were, 73:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs

Lageschulte	Lundby	Lykam	May
McKean	McKinney	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 23:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Eddie	Garman
Hermann	Hester	Kistler	Maulsby
Mertz	Metcalf	Petersen, D. F.	Plasier
Renken	Schnekloth	Spenner	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 4:

Harbor	Hibbard	Kremer	Trent
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **House File 549**, a bill for an act relating to the agricultural product advisory council, previously deferred.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 549)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, 1:

Carpenter

Absent or not voting, 6:

Harbor	Harper	Hibbard	Kremer
Tabor	Trent		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Schrader of Marion in the chair at 2:51 p.m.

**House File 531**, a bill for an act relating to agricultural landholdings by corporations, trusts, and limited partnerships, making penalties applicable, and providing dates for compliance, was taken up for consideration.

Schnekloth of Scott offered the following amendment H—3382 filed by him:

H—3382

- 1 Amend House File 531 as follows:
- 2 1. Page 2, line 8, by striking the word "A" and
- 3 inserting the following: "If the corporation was
- 4 established on or after July 1, 1989, a".
- 5 2. Page 2, line 9, by striking "resides" and
- 6 inserting the following: "must reside".
- 7 3. Page 2, line 9, by striking the word "is" and
- 8 inserting the following: "be".
- 9 4. Page 2, line 32, by striking the word "A" and
- 10 inserting the following: "If the trust is established
- 11 on or after July 1, 1989, a".
- 12 5. Page 2, line 33, by striking the word
- 13 "resides" and inserting the following: "must reside".
- 14 6. Page 2, line 33, by striking the word "is" and
- 15 inserting the following: "be".
- 16 7. Page 3, line 18, by striking the word "A" and
- 17 inserting the following: "If the family farm limited
- 18 partnership is established on or after July 1, 1989,
- 19 a".

- 20 8. Page 3, line 19, by striking the word  
 21 "resides" and inserting the following: "must reside".  
 22 9. Page 3, line 19, by striking the word "is" and  
 23 inserting the following: "be".  
 24 10. Page 4, line 8, by inserting after the word  
 25 "corporation" the following: ", not holding land  
 26 under this subsection on July 1, 1989,".  
 27 11. Page 6, line 22, by inserting after the word  
 28 "government" the following: ", not holding land under  
 29 this paragraph "d" on July 1, 1989,".  
 30 12. Page 8, by striking lines 5 through 14.

The House stood at ease at 2:52 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3382 to House File 531 at 3:34 p.m., Cohoon of Des Moines in the chair.

Schnekloth of Scott moved the adoption of amendment H—3382.

Roll call was requested by Schnekloth of Scott and Stueland of Clinton.

Rule 75 was invoked.

On the question "Shall amendment H—3382 be adopted?"  
 (H.F. 531)

The ayes were, 40:

Banks	Beaman	Bennett	Blanshan
Brand	Branstad	Carpenter	Clark
Corbett	De Groot	Diemer	Garman
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Hermann
Hester	Jay	Kistler	Knapp
Lageschulte	Lundby	Maulsby	McKinney
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Tabor	Tyrrell	Van Maanen

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Bisignano
Black	Brammer	Brown	Buhr
Connolly	Connors	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Harper	Hatch	Haverland	Hibbard
Holveck	Jochum	Johnson	Koenigs
Lykam	May	McKean	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear

Svoboda	Swartz	Teaford	Wise
Cohoon			
Presiding			

Absent or not voting, 7:

Beatty	Chapman	Eddie	Harbor
Jesse	Kremer	Trent	

Amendment H—3382 lost.

Fuller of Hardin offered the following amendment H—3455 filed by him:

H—3455

- 1 Amend House File 531 as follows:
- 2 1. Page 2, line 33, by striking the words
- 3 "resides on and".
- 4 2. Page 2, by inserting after line 34 the follow-
- 5 ing:
- 6 "e. A related beneficiary as described in
- 7 paragraph "a" resides in the same county or in an
- 8 adjacent county in which agricultural land held by the
- 9 trust is located."

Fuller of Hardin offered the following amendment H—3584, to amendment H—3455, filed by him from the floor and moved its adoption:

H—3584

- 1 Amend the amendment, H—3455, to House File 531, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1, the
- 4 following:
- 5 "\_\_\_\_\_. Page 2, line 9, by striking the words
- 6 "resides on and".
- 7 \_\_\_\_\_ Page 2, by inserting after line 10, the
- 8 following:
- 9 "e. A related stockholder as described in
- 10 paragraph "a" resides in the same county or in an
- 11 adjacent county in which agricultural land held by the
- 12 corporation is located." "
- 13 2. Page 1, by inserting after line 9, the
- 14 following:
- 15 "\_\_\_\_\_. Page 3, line 17, by striking the word
- 16 "paragraph" and inserting the following:
- 17 "paragraphs".
- 18 \_\_\_\_\_ Page 3, line 19, by striking the words
- 19 "resides on and".
- 20 \_\_\_\_\_ Page 3, by inserting after line 20 the
- 21 following:
- 22 "NEW PARAGRAPH. f. A related partner as described

23 in paragraph "a" resides in the same county or in an  
 24 adjacent county in which agricultural land held by the  
 25 partnership is located."

Amendment H—3584 was adopted.

On motion by Fuller of Hardin, amendment H—3455, as amended,  
 was adopted.

Osterberg of Linn offered the following amendment H—3552 filed  
 by him:

H—3552

1 Amend House File 531 as follows:

2 1. Page 4, line 17, by striking the words "The  
 3 department may inspect" and inserting the following:  
 4 "A corporation is not required to submit trade secrets  
 5 protected under state law. To be certified, the  
 6 corporation must apply to the department for  
 7 certification under procedures established by the  
 8 department. The land must be used for testing,  
 9 research, or development of one of the following:

- 10 a. Seed or plant varieties.  
 11 b. The effects of natural or artificial inputs or  
 12 practices upon plants, livestock, or the environment.  
 13 c. Practices relating to low input or environment  
 14 enhancing agriculture.  
 15 d. The study of animal reproduction, including the  
 16 production of embryos or semen.

17 Land held for research or experiments by a  
 18 corporation must not remain fallow for more than five  
 19 years.

20 The department may inspect".

21 2. Page 5, by striking lines 13 through 22 and  
 22 inserting the following: "section, funds equivalent  
 23 to its legal reserve. ~~Legal reserve shall be the net~~  
 24 ~~present value of all outstanding policies, and~~  
 25 ~~contracts involving life contingencies. Any~~  
 26 ~~association, organized under chapter 510, accumulating~~  
 27 ~~any moneys to be held in trust for the purpose of the~~  
 28 ~~fulfillment of its policies or certificates,~~  
 29 ~~contracts, or otherwise, shall invest such~~  
 30 ~~accumulations in the securities provided in this~~  
 31 ~~section. Wherever, in this section, reference is made~~  
 32 ~~to "legal reserve", it shall mean the total~~  
 33 ~~accumulations in the case of an association organized~~  
 34 ~~under chapter 510. Nothing".~~

35 3. Page 6, line 31, by striking the words "The  
 36 department may" and inserting the following: "A  
 37 nonresident alien foreign business or foreign  
 38 government is not required to submit trade secrets

39 protected under state law. To be certified, the  
 40 corporation must apply to the department for  
 41 certification under procedures established by the  
 42 department. The land must be used for testing,  
 43 research, or development of one of the following:  
 44 a. Seed or plant varieties.  
 45 b. The effects of natural or artificial inputs or  
 46 practices upon plants, livestock, or the environment.  
 47 c. Practices relating to low input or environment  
 48 enhancing agriculture.  
 49 d. The study of animal reproduction, including the  
 50 production of embryos or semen.

**Page 2**

1 Land held for research or experimentation by a  
 2 corporation must not remain fallow for more than five  
 3 years.

4 The department may”.

5 4. Title page, line 1, by inserting after the  
 6 word “by” the following: “persons, including”.

Osterberg of Linn asked and received unanimous consent to defer action on amendment H—3552.

Petersen of Muscatine offered the following amendment H—3527 filed by him:

H—3527

1 Amend House File 531 as follows:

2 1. Page 4, by inserting after line 24 the  
 3 following:

4 “Sec. \_\_\_\_\_. Section 172C.5A, subsection 2, para-  
 5 graphs a through c, Code 1989, are amended to read as  
 6 follows:

7 a. A person serving as the president or other  
 8 officer or authorized representative of a corporation,  
 9 ~~(other than a family farm corporation)~~ and including  
 10 an authorized farm corporation, owning or leasing  
 11 agricultural land or engaged in farming in this state.  
 12 However, a representative of a family farm corporation  
 13 is not required to file an annual report. A  
 14 representative of an authorized farm corporation is  
 15 not required to file a report if in the preceding year  
 16 the corporation earned less than five hundred thousand  
 17 dollars from the sales of commodities produced on the  
 18 land.

19 b. A person acting as the general partner of a  
 20 limited partnership, ~~other than a family farm limited~~  
 21 ~~partnership~~, owning or leasing agricultural land or  
 22 engaged in farming in this state. However, a

23 representative of a family farm limited partnership is  
 24 not required to file an annual report. A  
 25 representative of a limited partnership is not  
 26 required to file a report if in the preceding year the  
 27 limited partnership earned less than five hundred  
 28 thousand dollars from the sales of commodities  
 29 produced on the land.

30 c. A person acting in a fiduciary capacity or as a  
 31 trustee on behalf of a person, including a  
 32 corporation, limited partnership, or nonresident  
 33 alien, who holds in a trust, ~~(other than through a~~  
 34 ~~family trust)~~ including through an authorized trust,  
 35 agricultural land in this state. However, a  
 36 representative of a family trust is not required to  
 37 file an annual report. A representative of an  
 38 authorized trust is not required to file a report if  
 39 in the preceding year the authorized trust earned less  
 40 than five hundred thousand dollars from the sales of  
 41 commodities produced on the land.”

42 2. By renumbering as necessary.

Osterberg of Linn offered the following amendment H—3564, to amendment H—3527, filed by him from the floor and moved its adoption:

H—3564

- 1 Amend the amendment, H—3527, to House File 531 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word “through”
- 4 and inserting the following: “and”.
- 5 2. Page 1, line 16, by striking the words “five
- 6 hundred” and inserting the following: “three hundred
- 7 fifty”.
- 8 3. Page 1, by striking lines 19 through 29.
- 9 4. Page 1, line 40, by striking the words “five
- 10 hundred” and inserting the following: “three hundred
- 11 fifty”.

Amendment H—3564 was adopted.

On motion by Petersen of Muscatine, amendment H—3527, as amended, was adopted.

Svoboda of Tama offered the following amendment H—3518 filed by Svoboda, et al.:

H—3518

- 1 Amend House File 531 as follows:
- 2 1. Page 4, by inserting after line 33, the
- 3 following:
- 4 “Sec. \_\_\_\_\_. Section 172C.9, subsection 2, Code

5 1989, is amended to read as follows:

6 2. The total number of hogs and the total number  
7 of cattle owned and fed more than thirty days by the  
8 processor during the preceding calendar or fiscal  
9 year.

10 Sec. \_\_\_\_\_ Section 172C.9, Code 1989, is amended by  
11 adding the following new subsections:

12 NEW SUBSECTION. 6. The name and address of any  
13 contract feeder from which the processor purchased  
14 hogs during the preceding calendar or fiscal year.

15 NEW SUBSECTION. 7. The total number of hogs which  
16 the processor has purchased from contract feeders  
17 during the preceding calendar or fiscal year."

18 2. By renumbering as necessary.

Petersen of Muscatine rose on a point of order that amendment H-3518 was not germane.

The Speaker ruled the point well taken and amendment H-3518 not germane.

Svoboda of Tama asked for unanimous consent to consider amendment H-3518.

Objection was raised.

Svoboda of Tama moved that the rules be suspended to consider amendment H-3518.

A non-record roll call was requested.

The ayes were 46, nays 43.

The motion, having failed to receive a constitutional majority, lost.

Svoboda of Tama asked and received unanimous consent to withdraw amendment H-3558 filed by her on March 22, 1989.

Schneklath of Scott offered the following amendment H-3469 filed by Schneklath, et al.:

H-3469

1 Amend House File 531 as follows:

2 1. Page 8, by inserting after line 17, the  
3 following:

4 "\_\_\_\_\_. The following shall apply to an investment  
5 entity divesting agricultural land in compliance with  
6 this Act:

7 a. The investment entity shall be compensated from  
8 the general fund of the state for a loss, by  
9 calculating the difference between the greater of the  
10 purchase price paid for the land by the entity or the

11 value of the land if valued by an appraiser in the  
 12 year of divestiture and the purchase price of the land  
 13 received by the entity from a good faith purchaser.  
 14 To be compensated, the entity must submit a claim for  
 15 the amount of the loss to the secretary of state in a  
 16 manner prescribed by the secretary. The secretary may  
 17 verify the claim and shall certify to the director of  
 18 revenue and finance the amount due the entity. The  
 19 director of revenue and finance on receipt of the  
 20 certificate shall draw a warrant for the amount in  
 21 favor of the entity. Amounts necessary to cover such  
 22 warrants are appropriated from the general fund of the  
 23 state.

24 b. For purposes of computing state income tax  
 25 under chapter 422, the investment entity may deduct,  
 26 in a manner prescribed by the director of revenue and  
 27 finance, from its net income the profit made from the  
 28 sale of the land, by calculating the difference  
 29 between the greater of the purchase price paid for the  
 30 land by the entity or the value of the land if valued  
 31 by an appraiser in the year of divestiture and the  
 32 purchase price of the land received by the entity from  
 33 a good faith purchaser.

34 c. An investment entity which knowingly submits a  
 35 claim for compensation or claims a deduction for an  
 36 amount greater than allowed under this section shall  
 37 pay a penalty of not more than five thousand dollars  
 38 as determined by the secretary of state or director of  
 39 revenue and finance.

40 d. As used in this section, an "investment entity"  
 41 means a corporation, including a corporation defined  
 42 in section 172C.1, subsection 1, and a family farm  
 43 corporation, or a family trust or family farm limited  
 44 partnership as provided in this Act."

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper, until his return, on request of Hibbard of Madison.

Schnekloth of Scott offered the following amendment H—3580,  
 to amendment H—3469, filed by him from the floor and moved its  
 adoption:

H—3580

1 Amend the amendment, H—3469, to House File 531, as  
 2 follows:

3 1. Page 1, by inserting after line 39 the  
 4 following:

5 "\_\_\_\_\_. A family farm corporation, family trust, or  
 6 a family farm limited partnership required to comply

7 with this Act in accordance with this section shall  
 8 employ only a family owned and controlled law firm,  
 9 real estate firm, or other entity with fifteen or  
 10 fewer associates for purposes of divestiture."  
 11 2. By relettering as necessary.

Amendment H—3580 was adopted.

Schnekloth of Scott moved the adoption of amendment H—3469, as amended.

Amendment H—3469, as amended, lost.

The House stood at ease at 4:25 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 531 at 4:35 p.m., Cohoon of Des Moines in the chair.

The House resumed consideration of amendment H—3552, previously deferred, found on pages 990 and 991 of the House Journal.

Osterberg of Linn offered the following amendment H—3592, to amendment H—3552, filed by him from the floor and moved its adoption:

H—3592

1 Amend the amendment, H—3552, to House File 531, as  
 2 follows:  
 3 1. Page 1, by inserting after line 16, the  
 4 following:  
 5 "e. The capacity, efficiency, or productivity of  
 6 machinery or equipment related to agricultural  
 7 production."  
 8 2. Page 1, by inserting after line 50, the  
 9 following:  
 10 "e. The capacity, efficiency, or productivity of  
 11 machinery or equipment related to agricultural  
 12 production."

Amendment H—3592 was adopted.

On motion by Osterberg of Linn, amendment H—3552, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lundby of Linn, for the remainder of the day, on request of Corbett of Linn.

Maulsby of Calhoun asked for unanimous consent to defer action on House File 531.

Objection was raised.

Speaker Avenson in the chair at 5:02 p.m.

Maulsby of Calhoun moved that House File 531 be deferred and that the bill retain its place on the calendar.

A non-record roll call was requested.

The ayes were 25, nays 52.

The motion to defer lost.

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. 531)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Brammer	Branstad	Buhr	Chapman
Cohoon	Connolly	Connors	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Poncy	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 29:

Banks	Beaman	Bennett	Black
Blanshan	Brand	Brown	Carpenter
Clark	Corbett	Hanson, D. R.	Hester
Jesse	Kistler	Lageschulte	Maulsby
Metcalf	Miller	Petersen, D. F.	Plasier
Renaud	Renken	Royer	Schnekloth
Siegrist	Stromer	Swartz	Tyrrell
Van Maanen			

Absent or not voting, 11:

Daggett	Diemer	Halvorson, R. A.	Harbor
Hermann	Kremer	Lundby	Shoning
Spenner	Stueland	Trent	

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**  
(House File 531)

I move to reconsider the vote by which House File 531 passed the House on March 23, 1989.

TABOR of Jackson

**INTRODUCTION OF BILLS**

**House File 751**, by committee on ways and means, a bill for an act relating to the remittance of the local option tax to local governments.

Read first time and placed on the **ways and means calendar**.

**House File 752**, by committee on energy and environmental protection, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before new or changed rates, charges, schedules, and regulations may be approved by the utilities board.

Read first time and placed on the **calendar**.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 22, 1989. Had I been present, I would have voted "aye" on House File 379.

BUHR of Polk

I was necessarily absent from the House chamber on March 22, 1989. Had I been present, I would have voted "aye" on House Files 473 and 506.

OLLIE of Clinton

**PRESENTATION OF VISITORS**

Speaker Avenson presented to the House, a group of South Dakota legislators; and, the Clitheroe British Exchange Group, accompanied by Mr. Mike Fielding, sponsor.

Adams of Hamilton presented to the House the Honorable Robert Naden, former member and Speaker of the House representing Hamilton County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-three senior students from Shellsburg High School, Shellsburg, accompanied by Mark Felderman and Norm McClintock. By Brand of Benton.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 164

Appropriations: Jochum, Chair; Corbett and Hatch.

##### House File 654

Appropriations: Hatch, Chair; Carpenter and Hammond.

##### Senate File 363

Appropriations: Peterson of Carroll, Chair; Halvorson of Clayton, Hammond, Lageschulte and Pavich.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**Senate File 369**, a bill for an act making a supplemental appropriation to complete the GAAP implementation schedule for the merged area schools' general operations and to continue the ethanol truck project, and requiring the release and allocation of previously appropriated funds, requiring reimbursement for the auditor of state, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3559** March 22, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 93), relating to the remittance of the local option tax to local governments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1989.

**Committee Bill** (Formerly House File 476), relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other

moneys, providing penalties, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1989.

### RESOLUTIONS FILED

**HCR 9**, by Neuhauser, a concurrent resolution relating to the shortages of trained health care practitioners in Iowa.

Laid over under **Rule 25**.

**SCR 8**, by Gronstal, a concurrent resolution urging the Congress to address the adverse effects of the federal Social Security program which discriminates against certain persons due to their birth dates.

Laid over under **Rule 25**.

**SCR 10**, by Gettings, Doyle, Coleman, Fraise, Gronstal, Priebe, Hultman, Jensen, Vande Hoef, Boswell, Palmer, Miller, Soorholtz and Kibbie, a concurrent resolution relating to federal coal slurry pipeline legislation.

Laid over under **Rule 25**.

**SCR 11**, by Szymoniak, a concurrent resolution relating to the recognition of American sign language as an appropriate school course offering and requiring a study of the inclusion of American sign language in the public school curricula by the department of education.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3559	S.F.	369	Committee on Appropriations
H-3560	S.F.	52	Wise of Lee
H-3563	H.F.	690	Spear of Lee
H-3566	H.F.	578	Schnekloth of Scott
H-3567	H.F.	528	Groninga of Cerro Gordo
H-3568	H.F.	685	Doderer of Johnson
H-3569	H.F.	156	Tyrrell of Iowa Halvorson of Clayton
H-3570	H.F.	715	Connolly of Dubuque
H-3571	H.F.	715	Koenigs of Mitchell
H-3572	H.F.	716	Tyrrell of Iowa
H-3573	H.F.	715	De Groot of Lyon Connolly of Dubuque

H—3575	H.F.	715	De Groot of Lyon
H—3577	H.F.	621	Muhlbauer of Crawford
H—3578	H.F.	703	Spear of Lee
H—3579	H.F.	522	Connors of Polk
H—3581	H.F.	584	Svoboda of Tama
H—3582	H.F.	497	Connors of Polk Bisignano of Polk
H—3583	H.F.	447	Pellett of Cass
H—3585	H.F.	459	Halvorson of Clayton
H—3586	H.F.	733	Gruhn of Dickinson
H—3587	H.F.	459	Halvorson of Clayton
H—3588	H.F.	745	Cohoon of Des Moines
H—3589	H.F.	658	Sherzan of Polk
H—3590	H.F.	715	Van Maanen of Mahaska
H—3591	H.F.	496	Hibbard of Madison Renken of Grundy
H—3593	S.F.	124	Schnekloth of Scott
H—3594	H.F.	718	Sherzan of Polk
H—3595	S.F.	185	Dvorsky of Johnson
H—3596	S.F.	369	Black of Jasper Connolly of Dubuque
H—3597	H.F.	704	Hanson of Delaware
H—3598	H.F.	704	Hanson of Delaware
H—3599	H.F.	274	Hammond of Story
H—3600	H.F.	274	Hammond of Story
H—3601	H.F.	656	Miller of Cherokee

On motion by Arnould of Scott, the House adjourned at 5:41 p.m., until 1:00 p.m., Monday, March 27, 1989.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 27, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Robert Dvorsky, state representative from Johnson County.

The Journal of Thursday, March 23, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Renaud of Polk on request of Schrader of Marion, Petersen of Muscatine on request of Trent of Muscatine, and Corbett of Linn on request of Royer of Page, all until their arrival.

## SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 6**, by committee on education, a joint resolution to nullify an administrative rule of the department of education relating to identification markings allowed on school buses and providing an effective date.

Read first time and referred to committee on **education**.

**Senate File 76**, by Gettings, a bill for an act providing for jailer training programs to be administered by the Iowa law enforcement academy.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 86**, by Carr, a bill for an act relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations.

Read first time and referred to committee on **ways and means**.

**Senate File 110**, by Vande Hoef, a bill for an act relating to foster care review by establishing certain reporting requirements.

Read first time and referred to committee on **human resources**.

**Senate File 266**, by Varn and Gronstal, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board.

Read first time and **passed on file**.

**Senate File 278**, by Deluhery, 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**.

**Senate File 321**, by Varn, a bill for an act relating to the provision of child day care to children of state employees and providing effective dates.

Read first time and referred to committee on **state government**.

**Senate File 327**, by Kibbie, a bill for an act relating to the misappropriation of property, and making penalties applicable.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 341**, by committee on judiciary, a bill for an act relating to the establishment of a tristate graduate center by the state board of regents for certain students.

Read first time and referred to committee on **education**.

**Senate File 349**, by Peterson, a bill for an act relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement.

Read first time and referred to committee on **transportation**.

**Senate File 360**, by Lind, a bill for an act prohibiting the theft of a veteran's grave marker, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 394**, by committee on judiciary, a bill for an act relating to the administration and use of the civil reparations trust fund.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 416**, by committee on judiciary, a bill for an act relating to the identification of persons engaged in private investigation and private security businesses.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 428**, by committee on local government, a bill for an act relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area.

Read first time and referred to committee on **local government**.

**Senate File 442**, by committee on transportation, a bill for an act relating to rules adopted under section 321.450 as they relate to physical and medical qualifications of drivers of commercial vehicles engaged in intrastate commerce and to retail dealers and their employees delivering fertilizers, petroleum products, and pesticides to farm customers 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 22, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 5, a bill for an act allowing employees to choose the care given under workers' compensation medical benefits.

Also: That the Senate has on March 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act relating to the membership of the medical assistance advisory council.

Also: That the Senate has on March 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 417, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Also: That the Senate has on March 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts.

Also: That the Senate has on March 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 475, a bill for an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

Also: That the Senate has on March 22, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 491, a bill for an act relating to the destruction of the contents of an original court file.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 660**, a bill for an act requiring the performance of monthly fuel surveys by the department of natural resources, previously deferred.

Stromer of Hancock offered the following amendment H—3551 filed by him:

H—3551

- 1 Amend House File 660 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "fuels" the words "and for the price of milk."

Nielsen of Linn rose on a point of order that amendment H—3551 was not germane.

The Speaker ruled the point well taken and amendment H—3551 not germane.

Nielsen 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. 660)

The ayes were, 52:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Chapman	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 44:

Banks	Beaman	Beatty	Bennett
Branstad	Buhr	Carpenter	Clark
Daggett	De Groot	Diemer	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Jesse	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellett	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen

Absent or not voting, 4:

Corbett	Eddie	Petersen, D. F.	Renaud
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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 581**, a bill for an act authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships, 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. 581)

The ayes were, 85:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Rosenberg	Royer
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 9:

Branstad	De Groot	Hermann	Maulsby
Pellett	Renken	Schnekloth	Tyrrell
Van Maanen			

Absent or not voting, 6:

Corbett	Daggett	Eddie	Petersen, D. F.
Plasier	Renaud		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 650**, a bill for an act relating to products derived from sorghum, including labeling requirements, and making a penalty applicable, was taken up for consideration.

Hibbard of Madison moved that the bill be read a last time now and 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, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
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.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Corbett	Eddie	Harbor	Petersen, D. F.
Renaud	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 631**, a bill for an act to legalize proceedings of the City Council of the City of Bellevue relating to the letting of a construction contract, 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. 631)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Phillips	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Corbett

Eddie

Petersen, D. F.

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 49**, a bill for an act relating to benefits provided to permanent, part-time employees, and the committee amendment H—3292, found on pages 969 and 970 of the House Journal, previously deferred.

Buhr of Polk in the chair at 2:23 p.m.

Tyrrell of Iowa offered the following amendment H—3497, to the committee amendment H—3292, filed by him and moved its adoption:

H—3497

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, line 8, by striking the word "provide"
- 4 and inserting the following: "offer to".

A non-record roll call was requested.

The ayes were 35, nays 44.

Amendment H—3497 lost.

Wise of Lee offered the following amendment H—3322, to the committee amendment H—3292, filed by him and Neuhauser of Johnson and moved its adoption:

H—3322

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by striking lines 9 through 11, and
- 4 inserting the following: "employees who have
- 5 completed six months of continuous employment and who
- 6 work an average of one-half time or more, all
- 7 employment-related benefits provided to the".
- 8 2. Page 1, by striking line 26, and inserting the
- 9 following: "work the part-time employee is
- 10 performing."
- 11 3. Page 1, by inserting after line 26 the fol-
- 12 lowing:
- 13 "For purposes of this section, employees with
- 14 seasonal, emergency, intermittent, internship,
- 15 trainee, or temporary status shall not be considered
- 16 regular part-time employees."

Amendment H—3322 was adopted, placing out of order amendment H—3318 filed by Bennett of Ida on March 8, 1989.

Bennett of Ida asked for unanimous consent to defer action on House File 49.

Objection was raised.

Speaker Avenson in the chair at 3:03 p.m.

Bennett of Ida moved that House File 49 be deferred for preparation of an amendment.

A non-record roll call was requested.

The ayes were 35, nays 54.

The motion to defer lost.

Stromer of Hancock offered the following amendment H—3313, to the committee amendment H—3292, filed by him:

H—3313

1 Amend the amendment, H—3292, to House File 49 as  
2 follows:  
3 1. Page 1, by striking lines 4 through 26, and  
4 inserting the following:  
5 "Section 1. Section 20.9, unnumbered paragraph 1,  
6 Code 1989, is amended to read as follows:  
7 The public employer and the employee organization  
8 shall meet at reasonable times, including meetings  
9 reasonably in advance of the public employer's budget-  
10 making process, to negotiate in good faith with  
11 respect to wages, hours, vacations, insurance,  
12 holidays, leaves of absence, shift differentials,  
13 overtime compensation, supplemental pay, seniority,  
14 transfer procedures, job classifications, health and  
15 safety matters, evaluation procedures, procedures for  
16 staff reduction, in-service training, benefits of  
17 permanent part-time employees, and other matters  
18 mutually agreed upon. Negotiations shall also include  
19 terms authorizing dues checkoff for members of the  
20 employee organization and grievance procedures for  
21 resolving any questions arising under the agreement,  
22 which shall be embodied in a written agreement and  
23 signed by the parties. If an agreement provides for  
24 dues checkoff, a member's dues may be checked off only  
25 upon the member's written request and the member may  
26 terminate the dues checkoff at any time by giving  
27 thirty days' written notice. Such obligation to  
28 negotiate in good faith does not compel either party  
29 to agree to a proposal or make a concession."

Wise of Lee rose on a point of order that amendment H—3313 was not germane.

The Speaker ruled the point well taken and amendment H—3313 not germane.

The House stood at ease at 3:16 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3292, as amended, to House File 49 at 4:42 p.m., Speaker Avenson in the chair.

Stromer of Hancock asked and received unanimous consent to suspend the rules to consider amendment H—3313, previously ruled not germane.

Stromer of Hancock moved the adoption of amendment H—3313, to the committee amendment H—3292.

Roll call was requested by Stromer of Hancock and Branstad of Winnebago.

On the question "Shall amendment H—3313 be adopted?"  
(H.F. 49)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Renken
Royer	Schneklloth	Shearer	Shoning
Siegrist	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg

Schrader  
Swartz

Sherzan  
Tabor

Spear  
Wise

Svoboda  
Mr. Speaker  
Avenson

Absent or not voting, 5:

Eddie  
Teaford

Petersen, D. F.

Plasier

Shultz

Amendment H—3313 lost.

Bennett of Ida offered the following amendment H—3607, to the committee amendment H—3292, filed by him from the floor and moved its adoption:

H—3607

- 1 Amend amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the words "a
- 4 public".
- 5 2. Page 1, by striking lines 8 through 16.
- 6 3. Page 1, line 17, by striking the word
- 7 "However,".

A non-record roll call was requested.

The ayes were 31, nays 44.

Amendment H—3607 lost.

Stromer of Hancock offered the following amendment H—3610, to the committee amendment H—3292, filed by him from the floor:

H—3610

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 26, and
- 4 inserting the following:
- 5 "Section 1. NEW SECTION. 91B.1 PART-TIME
- 6 EMPLOYEE BENEFITS.
- 7 Except as provided in a collective bargaining
- 8 agreement negotiated pursuant to chapter 20, the state
- 9 shall provide regular part-time state employees who
- 10 work an average of one-half time or more all
- 11 employment-related benefits provided to full-time
- 12 state employees, except for health insurance and
- 13 dental insurance plans. The minimum amount of
- 14 benefits shall be based on the percentage of full-time
- 15 work which the part-time employee is performing.
- 16 However, the state shall only be required to make
- 17 available to regular part-time state employees, who
- 18 work an average of one-half time or more, the same

19 health and dental insurance plans provided to full-  
 20 time state employees. If an employee chooses a state  
 21 health or dental insurance plan, the minimum state  
 22 contribution for the health or dental insurance plan  
 23 shall be prorated based on the percentage of full-time  
 24 work for which the part-time employee was hired.  
 25 School districts shall provide their regular part-  
 26 time employees with the same benefits as provided to  
 27 their full-time employees to the extent that the state  
 28 is required or authorized to provide benefits to state  
 29 employees under this section.” ”

Stromer of Hancock asked for unanimous consent to defer action on amendment H—3610 to consider amendment H—3608.

Objection was raised.

Stromer of Hancock moved to suspend the rules to defer action on amendment H—3610 to immediately consider amendment H—3608, to the committee amendment H—3292.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question “Shall the rules be suspended to immediately consider amendment H—3608?” (H.F. 49)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 54:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poney	Renaud

Rosenberg	Schrader	Shearer	Shultz
Spear	Svoboda	Swartz	Tabor
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 9:

Bisignano	Brand	Doderer	Eddie
Jesse	Mertz	Petersen, D. F.	Sherzan
Teaford			

The motion lost.

Connors of Polk in the chair at 4:58 p.m.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3610.

Neuhauser of Johnson offered the following amendment H—3298, to the committee amendment H—3292, filed by her and moved its adoption:

H—3298

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by inserting after line 26 the follow-
- 4 ing:
- 5 "This section shall not apply to students employed
- 6 by a college or university or employed under a work-
- 7 study program."

Amendment H—3298 was adopted.

Halvorson of Clayton offered the following amendment H—3609, to the committee amendment H—3292, filed from the floor by him and Harbor of Mills and moved its adoption:

H—3609

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. STATE FINANCING. All benefits,
- 6 programs, and services required or authorized by this
- 7 Act shall be financed with state or federal funds.
- 8 Except as specifically required by statute or except
- 9 as specifically required by administrative rules
- 10 which are in effect before the effective date of this
- 11 Act, the counties, cities and school districts shall
- 12 have no additional responsibility to support the
- 13 benefits, programs, and services required or
- 14 authorized by this Act."
- 15 2. By renumbering as necessary.

Roll call was requested by Halvorson of Clayton and Harbor of Mills.

On the question "Shall amendment H—3609 be adopted?"  
(H.F. 49)

The ayes were, 40:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Plasier	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 58:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Connors		
	Presiding		

Absent or not voting, 2:

Eddie Petersen, D. F.

Amendment H—3609 lost.

Carpenter of Polk offered the following amendment H—3608, to the committee amendment H—3292, filed by her from the floor and moved its adoption:

H—3608

- 1 Amend the amendment, H—3292, to House File 49 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 28, and
- 4 inserting the following:

5 "Section 1. NEW SECTION. 91B.1 PART-TIME STATE  
6 EMPLOYEE BENEFITS.

7 Except as provided in a collective bargaining  
8 agreement negotiated pursuant to chapter 20, the state  
9 shall provide regular part-time state employees who  
10 work an average of one-half time or more all  
11 employment-related benefits provided to full-time  
12 state employees, except for health insurance and  
13 dental insurance plans. The minimum amount of  
14 benefits shall be based on the percentage of full-time  
15 work which the part-time employee is performing.  
16 However, the state shall only be required to make  
17 available to regular part-time state employees, who  
18 work an average of one-half time or more, the same  
19 health and dental insurance plans provided to full-  
20 time state employees. If an employee chooses a state  
21 health or dental insurance plan, the minimum state  
22 contribution for the health or dental insurance plan  
23 shall be prorated based on the percentage of full-time  
24 work for which the part-time employee was hired."  
25 \_\_\_\_\_. Title page, line 1, by inserting after the  
26 word "part-time" the following: "state"."

Roll call was requested by Stromer of Hancock and Miller of Cherokee.

Rule 75 was invoked.

On the question "Shall amendment H-3608 be adopted?"  
(H.F. 49)

The ayes were, 42:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Haverland
Hermann	Hester	Kistler	Knapp
Kremer	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellett	Peterson, M. K.	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper

Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

Absent or not voting, 2:

Eddie Petersen, D. F.

Amendment H—3608 lost.

Speaker Avenson in the chair at 5:41 p.m.

The House resumed consideration of amendment H—3610, previously deferred.

Stromer of Hancock moved the adoption of amendment H—3610, to the committee amendment H—3292.

Roll call was requested by Stromer of Hancock and Daggett of Adams.

On the question “Shall amendment H—3610 be adopted?”  
(H.F. 49)

The ayes were, 44:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Knapp	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
Metcalf	Miller	Pellett	Peterson, M. K.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Brammer	Brand	Brown	Buhr
Chapman	Cohon	Connolly	Connors
Doderer	Dvorsky	Fey	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Koenigs
Lykam	McKinney	Muhlbauer	Neuhauser

Nielsen	Ollie	Osterberg	Pavich
Peters	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 6:

Blanshan	Eddie	Halvorson, R. N.	Mertz
Petersen, D. F.	Svoboda		

Amendment H—3610 lost.

On motion by Wise of Lee, the committee amendment H—3292, as amended, was adopted, placing out of order amendment H—3317 filed by Stromer of Hancock on March 8, 1989.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 49)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 42:

Banks	Beaman	Bennett	Black
Brand	Branstad	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Jay
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Metcalf
Miller	Pellett	Plasier	Renken
Royer	Schnekloth	Shoning	Siegrist

Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 3:

Buhr	Eddie	Petersen, D. F.
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE (House File 49)

Arnould of Scott asked and received unanimous consent to immediately message House File 49 to the Senate.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rosenberg of Story and Jay of Appanoose on request of Shearer of Louisa; Maulsby of Calhoun on request of Van Maanen of Mahaska, all for the remainder of the day.

**House File 670**, a bill for an act relating to the number of days and hours of instruction in school per school day, was taken up for consideration.

Brand of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 670)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Chapman	Clark	Cohoon	Connolly
Connors	Diemer	Doderer	Dvorsky
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jochum
Johnson	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Muhlbauer	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 32:

Beaman	Bennett	Black	Branstad
Carpenter	Corbett	Daggett	De Groot
Fogarty	Halvorson, R. A.	Hanson, D. R.	Haverland

Hermann	Hester	Hibbard	Kistler
Knapp	McKean	Metcalf	Miller
Neuhauser	Osterberg	Pellett	Plasier
Renken	Royer	Schnekloth	Spenner
Stromer	Trent	Tyrrell	Van Maanen

Absent or not voting, 11:

Banks	Buhr	Eddie	Harbor
Jay	Jesse	Lageschulte	Maulsby
Petersen, D. F.	Rosenberg	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 477**, a bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Schrader of Marion offered the following amendment H—3426 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—3426

- 1 Amend House File 477 as follows:
- 2 1. Page 8, by striking lines 26 through 29 and
- 3 inserting the following: ~~program~~ programs shall
- 4 include cost-sharing of snowmobile facilities and
- 5 programs with political subdivisions or incorporated
- 6 private organizations or both, and cost-sharing of all-
- 7 terrain vehicle facilities and programs with
- 8 incorporated private organizations in accordance with
- 9 rules adopted by the commission. At least".
- 10 2. Page 9, by inserting before line 1 the
- 11 following:
- 12 "Sec. \_\_\_\_\_. Section 321G.7, Code 1989, is amended
- 13 by adding the following new unnumbered paragraph:
- 14 NEW UNNUMBERED PARAGRAPH. From funds received
- 15 under this chapter relating to all-terrain vehicles,
- 16 the department of natural resources shall acquire, by
- 17 lease or purchase, one or more parks which shall be
- 18 developed, operated, and maintained for the use of
- 19 off-road vehicles."
- 20 3. Page 13, line 12, by striking the figure
- 21 "321.324A" and inserting the following: "321.234A".
- 22 4. Page 21, by inserting after line 28 the
- 23 following:
- 24 "Sec. \_\_\_\_\_. NEW SECTION. 106.34A VEHICLES
- 25 PROHIBITED IN STREAMBED.
- 26 1. Except as provided in subsection 2, a person
- 27 shall not operate a motor vehicle in any of the
- 28 following:

- 29 a. Any portion of a meandered stream.  
 30 b. Any portion of the bed of a nonmeandered stream  
 31 which has been identified as a navigable stream or  
 32 river by rule adopted by the department and which is  
 33 covered by water.  
 34 c. Any portion of a stream identified as a trout  
 35 stream by the department.  
 36 2. This section does not prohibit the use of ford  
 37 crossings of public or private roads or any other ford  
 38 crossing when used for agricultural purposes, the  
 39 operation of construction vehicles engaged in lawful  
 40 construction, repair, or maintenance in a streambed,  
 41 or the operation of motor vehicles on ice.  
 42 3. The department of natural resources shall adopt  
 43 rules identifying the navigable streams and rivers in  
 44 which a motor vehicle may be operated. The department  
 45 may exempt participants of organized special events  
 46 from this section where the organized special event is  
 47 approved by a state or local authority.  
 48 4. As used in this section, "motor vehicle" means  
 49 a motor vehicle as defined in section 321.1,  
 50 subsection 2."

**Page 2**

- 1 5. By renumbering sections as necessary.

The committee amendment H—3426 was adopted.

Schrader of Marion offered the following amendment H—3504 filed by him and Black of Jasper and moved its adoption:

H—3504

- 1 Amend House File 477 as follows:  
 2 1. Page 2, line 23, by striking the word  
 3 "habitat" and inserting the following: "habitats".  
 4 2. Title page, line 1, by inserting after the  
 5 word "to" the following: "certain motor vehicles, by  
 6 providing for".  
 7 3. Title page, line 2, by inserting after the  
 8 word "fees," the following: "the operation of certain  
 9 motor vehicles,".

Amendment H—3504 was adopted.

Spear of Lee offered the following amendment H—3441 filed by him and moved its adoption:

H—3441

- 1 Amend House File 477 as follows:  
 2 1. Page 10, line 10, by striking the words "A  
 3 registered" and inserting the following: "A  
 4 registered An".

Amendment H—3441 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. 477)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Carpenter	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Royer

Absent or not voting, 10:

Buhr	Chapman	Eddie	Harbor
Jay	Lageschulte	Maulsby	Petersen, D. F.
Rosenberg	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 684**, a bill for an act relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 684)

The ayes were, 75:

Adams	Arnould	Beaman	Beatty
Bennett	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Chapman
Clark	Cohoon	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 14:

Banks	Bisignano	Black	Carpenter
Connolly	Garman	Hanson, D. R.	McKean
Metcalf	Miller	Neuhauser	Schneklott
Tyrrell	Van Maanen		

Absent or not voting, 11:

Eddie	Harbor	Hermann	Jay
Lageschulte	Maulsby	Petersen, D. F.	Rosenberg
Royer	Sherzan	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 689**, a bill for an act increasing the penalty for certain vehicular homicide offenses, was taken up for consideration.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 689)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Knapp

Absent or not voting, 10:

Carpenter	Eddie	Harbor	Jay
Lageschulte	Maulsby	Petersen, D. F.	Rosenberg
Sherzan	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTIONS TO RECONSIDER

(House File 600)

I move to reconsider the vote by which House File 600 passed the House on March 23, 1989.

ROYER of Page

(House File 684)

I move to reconsider the vote by which House File 684 passed the House on March 27, 1989.

STROMER of Hancock

**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 March, 1989: House File 404.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 24, 1989, he approved and transmitted to the Secretary of State the following bills:

Senate File 158, an act relating to demolition insurance reserves for property in cities.

Senate File 179, an act allowing the issuance of seven-alphanumeric character personalized registration plates upon its enactment.

Senate File 202, an act relating to the timely notification of the chairperson of the proper judicial nominating commission of a vacancy in the supreme court, the court of appeals, or the district court.

Also: That on March 27, 1989, he approved and transmitted to the Secretary of State the following bills:

Senate File 123, an act deappropriating and reappropriating moneys for the planning or construction of juvenile facilities and providing an effective date.

Senate File 128, an act relating to the collection and compilation of information regarding juvenile court activities.

Senate File 152, an act relating to relocation payments and relocation advisory assistance for displaced persons, and real property acquisition, and providing an effective date.

Senate File 159, an act relating to the sale or contracting for goods and services between a civil service commissioner and a city.

**COMMUNICATION FROM THE STATE APPEAL BOARD**

March 17, 1989

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House of Representatives.

These include 17 claims of a general nature that were denied by the State Appeal Board on March 13, 1989. This supplements our filing of January 5, 1989.

Index attached shows 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

STATE APPEAL BOARD  
GENERAL CLAIMS DENIED  
(March 13, 1989)

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G88-0647	Patricia Mulenberg Sibley, Iowa (Medicaid Benefits)	\$ 9,104.65	DENIED
G88-0786	S. Maxine Lee Norwalk, Iowa (Retirement Benefits)	1,722.00	DENIED
G88-0935	William Leeper Anamosa, Iowa (Back Pay)	40,000.00	DENIED
G88-0939	United Telephone System Shawnee Mission, KS (Outdated Invoice)	27.78	DENIED
G88-0976	Union Electric Company Keokuk, Iowa (Outdated Invoice)	1,089.15	DENIED
G88-1045	David Starr Fort Madison, Iowa (Back Pay)	15.68	DENIED
G88-1066	Total Petroleum, Inc. Clive, Iowa (License Fee Refund)	1,477.00	DENIED
G88-1067	Total Petroleum, Inc. Clive, Iowa (License Fee Refund)	1,477.00	DENIED
G88-1078	Russell Anthony Cedar Rapids, Iowa (License Fee Refund)	83.00	DENIED
G88-1085	Shawn P. Franck Quasqueton, Iowa (License Fee Refund)	55.00	DENIED
G88-1088	Debra Thompson Nevada, Iowa (Outdated Invoice)	82.38	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G89-0007	Cloyce Long Shelby, Iowa (License Fee Refund)	74.00	DENIED
G89-0019	Lab of Clinical Medicine Des Moines, Iowa (Outdated Invoice)	15.35	DENIED
G89-0063	Linda Bantz Fairbank, Iowa (License Fee Refund)	15.00	DENIED
G89-0070	Julie Bailey Redfield, Iowa (Back Pay)	1,046.40	DENIED
G89-0074	Clarence Schindel Hinton, Iowa (License Fee Refund)	23.00	DENIED
G89-0093	David Dodd Gilmore City, Iowa (License Fee Refund)	80.28	DENIED

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF INSPECTIONS AND APPEALS

The 1988 Annual Report, pursuant to Chapter 7E.3(4), Code of Iowa.

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 20, 21, 22 and 23, 1989. Had I been present, I would have voted "aye" on House Joint Resolutions 5 and 12 and House Files 475, 451, 575, 570, 596, 628, 501, 59, 329, 513, 533, 656, 18, 659, 662, 551, 672, 678, 542, 666, 549, 550, 127, 473, 644, 647, 468, 379, 643, 579, 655, 529, 309, 400, 598, 506, 466, 663, 668, 674, 679, 669 and 531; and "nay" on House Files 534, 535, 480 and 600.

KREMER of Buchanan

I was necessarily absent from the House chamber on Thursday, March 23, 1989. Had I been present, I would have voted "nay" on House File 531.

SHONING of Woodbury

I was necessarily absent from the House chamber on March 22 and 23, 1989. Had I been present, I would have voted "aye" on House Files 18, 480, 506, 598, 656, 659, 466, 542, 549, 551, 600, 662, 663, 666, 668, 669, 672, 674, 675, 678, 679 and "nay" on House File 531.

TRENT of Muscatine

## PRESENTATION OF VISITORS

On March 23, 1989, Renken of Grundy presented to the House, Jennifer Whitmere, from Conrad. She is National Vice President of the American Legion Junior Auxiliary.

Muhlbauer of Crawford presented to the House the Honorable Jim Cooper, former member of the House representing Lucas County.

The Speaker announced that the following visitors were present in the House chamber:

Sixty fifth grade students from Mt. Ayr Elementary School, Mt. Ayr, accompanied by Mrs. Anderson, Miss Fredrichs and Mrs. Saville. By Daggett of Adams.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- |         |  |
|---------|--|
| 1989-36 | Boys Basketball Team of Elk Horn-Kimballton High School -- For participating in the 1989 Boys State Basketball Tournament.   |
| 1989-37 | Helen Henderson Janson, Gravity -- For being Iowa Mother of the Year.  |
| 1989-38 | Girls Basketball Team of Elk Horn-Kimballton High School -- For placing third in the 1989 Iowa Girls State Basketball Tournament.  |
| 1989-39 | Alphonse J. "Babe" Bisignano, Des Moines -- For his 50 years as a restaurateur and for his personal accomplishments and successes in the interests of charities and the public welfare making Iowa a better place to live. |
| 1989-40 | Brian Ratigan, Council Bluffs -- For being selected Honorary Captain of the Class 2-A State All-Tournament Basketball Team.  |
| 1989-41 | Nate Schnitker, Council Bluffs -- For being selected to the Class 2-A State All-Tournament Basketball Team.  |
| 1989-42 | St. Albert Boys Basketball Team, Council Bluffs -- For winning the Class 2-A State Basketball Championship.  |

## AMENDMENTS FILED

H-3602	H.F. 465	Hatch of Polk
H-3603	S.F. 52	Spenner of Henry
H-3604	H.F. 5	Senate Amendment

H—3605	H.F.	718	Brown of Lucas
			Jay of Appanoose
			Pavich of Pottawattamie
			Siegrist of Pottawattamie
			Renaud of Polk
			Lykam of Scott
			Muhlbauer of Crawford
			Beatty of Warren
			Schrader of Marion
			Svoboda of Tama
H—3606	H.F.	692	Adams of Hamilton
H—3611	H.F.	715	Fuller of Hardin
H—3612	H.F.	715	De Groot of Lyon
H—3613	H.F.	715	De Groot of Lyon
H—3614	H.F.	729	Dvorsky of Johnson
H—3615	H.F.	715	Stromer of Hancock
H—3616	H.F.	715	Stromer of Hancock
H—3617	H.F.	459	Peterson of Carroll
H—3618	H.F.	623	Svoboda of Tama
H—3619	H.F.	715	Svoboda of Tama
H—3620	H.F.	715	Svoboda of Tama
H—3621	H.F.	715	Koenigs of Mitchell
H—3622	H.F.	700	Jay of Appanoose
H—3623	H.F.	690	Clark of Cerro Gordo
H—3624	H.F.	703	Bennett of Ida
H—3625	H.F.	690	Shoning of Woodbury
			Bisignano of Polk
			Jochum of Dubuque
H—3626	H.F.	690	Bennett of Ida
H—3627	H.F.	713	McKean of Jones
H—3628	S.F.	224	Spear of Lee
H—3629	H.F.	713	Holveck of Polk
H—3630	H.F.	638	Gruhn of Dickinson
H—3631	H.F.	351	Plasier of Sioux
H—3632	S.F.	46	Plasier of Sioux
H—3633	H.F.	164	Plasier of Sioux
H—3634	H.F.	164	Plasier of Sioux
H—3635	H.F.	164	Plasier of Sioux
H—3636	H.F.	164	Plasier of Sioux

On motion by Arnould of Scott, the House adjourned at 7:05 p.m., until 9:00 a.m., Tuesday, March 28, 1989.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 28, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Paul Fredrickson, pastor of the Ventura United Methodist Church, Ventura.

The Journal of Monday, March 27, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hibbard of Madison, from constituents of Adair opposing any increase in beer, wine or soft drink taxes.

By Royer of Page, from fifty-five constituents of the 93rd district opposing any increase in beer, wine or soft drink taxing measures.

## INTRODUCTION OF BILL

**House File 753**, by committee on ways and means, a bill for an act relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, providing an effective date, and providing for other properly related matters.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 402**, by committee on state government, a bill for an act relating to the membership of the medical assistance advisory council.

Read first time and **passed on file**.

**Senate File 417**, by committee on judiciary, a bill for an act relating to the time within which a claim must be brought by a minor or incompetent under the state tort claims Act.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 437**, by committee on environment and energy utilities, a bill for an act relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 475**, by committee on judiciary, a bill for an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

Read first time and referred to committee on **small business and commerce**.

**Senate File 491**, by committee on judiciary, a bill for an act relating to the destruction of the contents of an original court file.

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 23, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the item veto authority of the governor.

Also: That the Senate has on March 27, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 105, a bill for an act relating to assisting the department of human services in dependent adult abuse investigations.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act relating to service of notice of expiration of the right of redemption from tax sales.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 199, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act relating to salaries of the clerks of the district court.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 408, a bill for an act relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 412, a bill for an act relating to the medical assistance subrogation rights of the department of human services.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act allowing the issuance of personalized collegiate registration plates.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 444, a bill for an act relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 445, a bill for an act relating to insurance by requiring the payment of interest on certain delayed claim settlements, making failure to pay interest on claim settlements when required an unfair claim settlement practice subject to penalties, authorizing certain administrative penalties, providing a uniform standard for cancellation notices in personal property lines of insurance, providing for the repeal of requirements to attach applications to policies, altering notice of cancellation provisions for nonrenewal of commercial umbrella or excess policies or contracts, distinguishing nonadmitted and unauthorized insurance companies, and imposing surplus requirements on county mutual associations.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 449, a bill for an act relating to vocational education and requesting a study.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 450, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 460, a bill for an act relating to obtaining depositions in a foreign jurisdiction.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 466, a bill for an act allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act directing the Code editor to transfer various chapters and sections of the Code relating to the authority to regulate drainage to a new chapter.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 486, a bill for an act relating to rent-to-own regulations.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 488, a bill for an act relating to solid waste disposal and providing penalties.

Also: That the Senate has on March 23, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 494, a bill for an act relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the Act's applicability.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 498, a bill for an act relating to the appointment, terms, retention, and qualifications of magistrates, and providing an effective date.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 502, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date.

Also: That the Senate has on March 27, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 506, a bill for an act relating to the administration of small estates.

JOHN F. DWYER, Secretary

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stueland of Clinton; Schrader of Marion, until his arrival, on request of Renaud of Polk; Jesse of Jasper, until his return, on request of Brown of Lucas.

## CONSIDERATION OF BILLS Regular Calendar

**House File 459**, a bill for an act relating to the disposition of seizeable and forfeitable property, by providing for classes of forfeitable property, amending the burden of proof at forfeiture proceedings, providing for conditions of forfeiture, establishing certain affirmative defenses, presumptions, and counterclaims, providing for the award of attorney fees, and providing an applicability date, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H—3436 filed by the committee on judiciary and law enforcement:

H—3436

- 1 Amend House File 459 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 321.84, Code 1989, is amended
- 5 to read as follows:
- 6 321.84 SEIZURE OF VEHICLES.
- 7 It shall be the duty of any peace officer who finds
- 8 a vehicle or component part, the vehicle
- 9 identification number or component part number of
- 10 which has been altered, defaced, or tampered with, and
- 11 who has reasonable cause to believe that the possessor
- 12 of the vehicle or component part wrongfully holds it,
- 13 to forthwith seize it, ~~either with or without warrant~~
- 14 pursuant to the provisions of chapter 809, and deliver
- 15 it to the sheriff of the county in which it is
- 16 seized."
- 17 2. Page 1, by striking lines 1 through 4 and
- 18 inserting the following:
- 19 "Sec. \_\_\_\_\_. Section 809.1, subsection 1, Code 1989,
- 20 is amended to read as follows:
- 21 1. "Seizable property" means any of the following:

- 22 a. Property which is relevant in a criminal  
 23 prosecution or investigation.  
 24 b. Property property defined by law to be class I  
 25 or class II forfeitable property which is discovered  
 26 by a peace officer during a criminal investigation.  
 27 c. Property which if not seized by the state poses  
 28 an imminent danger to a person's health, safety, or  
 29 welfare."

30 3. Page 1, by inserting after line 17 the fol-  
 31 lowing:

32 "Sec. \_\_\_\_\_. Section 809.1, subsection 3, Code 1989,  
 33 is amended to read as follows:

34 3. "Seized property" means property taken or held  
 35 by any law enforcement agency without the consent of  
 36 the person, if any, who had possession or a right to  
 37 possession of the property at the time it was taken  
 38 into custody. Seized property does not include  
 39 property taken into custody solely for safekeeping  
 40 purposes or property taken into custody with the  
 41 written consent of the owner or the person who had  
 42 possession at the time of the taking. If consent to  
 43 the taking of property was given by the person in  
 44 possession of the property and later withdrawn or  
 45 found to be insufficient, the property shall then be  
 46 returned ~~or the property shall be deemed seized as of~~  
 47 ~~the time of the demand and refusal."~~

48 4. Page 1, line 25, by inserting after the word  
 49 and figure "chapter 109" the following: "for  
 50 pecuniary gain".

## Page 2

1 5. Page 1, line 27, by inserting after the word  
 2 "offense." the following: "If the property includes  
 3 dangerous weapons, only pistols and revolvers are  
 4 subject to forfeiture as class II forfeitable  
 5 property."

6 6. Page 1, by inserting after line 33 the fol-  
 7 lowing:

8 "Sec. \_\_\_\_\_. NEW SECTION. 809.1A WHEN PROPERTY MAY  
 9 BE SEIZED.

10 Seizable property may be seized when the seizing  
 11 officer reasonably believes that the property, if not  
 12 seized, may be disposed of, removed from the officer's  
 13 jurisdiction, commingled with other property so as to  
 14 lose its separate identity, or otherwise made  
 15 unavailable for confiscation pursuant to an order of  
 16 forfeiture.

17 Sec. \_\_\_\_\_. Section 809.2, Code 1989, is amended to  
 18 read as follows:

19 809.2 NOTICE OF SEIZURE.

20 The officer taking possession of seized property

21 shall make a written or photographic inventory of the  
22 property and deliver a copy of the inventory to the  
23 person from whom it was seized. The inventory shall  
24 include the name of the person taking custody of the  
25 seized property, the date and time of the seizure, and  
26 the law enforcement agency seizing the property, and  
27 the procedure for filing an application for return of  
28 the property.

29 Sec. \_\_\_\_\_. Section 809.3, subsection 2, Code 1989,  
30 is amended to read as follows:

31 2. The application for the return of seized  
32 property shall state the specific item or items  
33 sought, the nature of the claimant's interest in the  
34 property, and the grounds upon which the claimant  
35 seeks to have the property immediately returned. Mere  
36 ownership is insufficient as grounds for immediate  
37 return. The written application shall be specific and  
38 the claimant shall be limited at the judicial hearing  
39 to proof of the grounds set out in the application for  
40 immediate return. The fact that the property is  
41 inadmissible as evidence or that it may be suppressed  
42 is not grounds for its return. If no specific grounds  
43 are set out in the application for return, or the  
44 grounds set out are insufficient as a matter of law,  
45 the court may enter judgment on the pleadings without  
46 further hearing.

47 Sec. \_\_\_\_\_. Section 809.4, Code 1989, is amended to  
48 read as follows:

49 809.4 HEARING — APPEAL.

50 An application for the return of property shall be

### Page 3

1 set for hearing not less than five nor more than  
2 thirty days after the filing of the application and  
3 shall be tried to the court. All claims to the same  
4 property shall be heard in one proceeding unless it is  
5 shown that the proceeding would result in prejudice to  
6 one or more of the parties. If the total value of the  
7 property sought to be returned is less than five  
8 thousand dollars, the The proceeding may shall be  
9 conducted by a magistrate or a district associate  
10 judge if the total value of the property sought to be  
11 returned is less than five thousand dollars or by a  
12 magistrate if the total value is less than two  
13 thousand dollars, with appeal to be as in the case of  
14 small claims. In all other cases, the hearing shall  
15 be conducted by a district judge, with appeal as  
16 provided in section 809.12.

17 Sec. \_\_\_\_\_. Section 809.5, subsection 1, Code 1989,  
18 is amended to read as follows:

19 1. Seized property which is no longer required as

20 evidence or for use in an investigation may be  
21 returned to the owner without the requirement of a  
22 hearing, provided that the person's possession of the  
23 property is not prohibited by law and there is no  
24 forfeiture claim filed on behalf of the state. If  
25 seized class II forfeitable property is no longer  
26 required as evidence, it shall be returned to the  
27 owner if there is no forfeiture notice filed on behalf  
28 of the state. The seizing agency or prosecuting  
29 attorney shall send notice by regular mail, if the  
30 value of the property is less than fifty dollars, or  
31 and certified mail, if the value of the property is  
32 equal to or greater than fifty dollars, to the last  
33 known address of any person having an ownership or  
34 possessory right in the property stating that the  
35 property is released and must be claimed within thirty  
36 days. Such notice shall state that if no written  
37 claim for the property is made upon the seizing agency  
38 within thirty days after the mailing of notice, the  
39 property shall be deemed abandoned and disposed of  
40 accordingly. In the event that there is more than one  
41 party who may assert a right to possession or  
42 ownership of the property, the seizing agency shall  
43 not release the property to any party until the  
44 expiration of the date for filing claims unless all  
45 other claimants execute a written waiver. In the  
46 event that there is more than one claim filed for the  
47 return of property under this section, at the  
48 expiration of the period for filing claims the seizing  
49 agency or prosecuting attorney shall file a copy of  
50 all such claims with the clerk of court and the clerk

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1 shall proceed as if such claims were filed by the  
2 parties under section 809.3. In the event that no  
3 owner can be located or no claim is filed under this  
4 section, the property shall be deemed abandoned and  
5 the seizing agency shall become the owner of such  
6 property and may dispose of it in any reasonable  
7 manner."

8 7. Page 2, by striking lines 18 through 22 and  
9 inserting the following: "property a notice of  
10 forfeiture. If the court finds that forfeiture to the  
11 state is warranted, an order transferring ownership to  
12 the state shall be entered and the property shall be  
13 delivered to the attorney general as the attorney  
14 general directs."

15 8. Page 3, by striking lines 6 through 19 and  
16 inserting the following:

17 "2. If an application for the return of  
18 forfeitable property is timely made pursuant to

19 section 809.9, the claim shall be set for hearing and  
 20 the hearing shall be held not less than five or more  
 21 than thirty days after the filing of the claim and  
 22 shall be tried to the court. All claims to the same  
 23 property shall be heard in one proceeding unless it is  
 24 shown that the proceeding would result in prejudice to  
 25 one or more of the parties. If the total value of the  
 26 property sought to be returned is less than five  
 27 thousand dollars, the The proceeding may shall be  
 28 conducted by a magistrate or a district associate  
 29 judge if the total value of the property sought to be  
 30 returned is less than five thousand dollars or by a  
 31 magistrate if the total value is less than two  
 32 thousand dollars, with appeal to be as in the case of  
 33 small claims. In all other cases, the hearing shall  
 34 be conducted by a district judge, with appeal as  
 35 provided in section 809.12."

36 9. Page 3, by striking line 20 and inserting the  
 37 following:

38 "Sec. \_\_\_\_\_. Section 809.11, subsections 1 and 2,  
 39 Code 1989, are".

40 10. Page 3, by inserting after line 29 the  
 41 following:

42 "2. Court appointed counsel, Counsel shall be  
 43 appointed at the state's expense, is not available in  
 44 forfeiture proceedings for indigent persons having an  
 45 ownership in the property that is subject to the  
 46 forfeiture proceeding. The attorney general or county  
 47 attorney may represent the state in all forfeiture  
 48 proceedings."

49 11. Page 3, line 33, by striking the word  
 50 "property," and inserting the following: "property".

#### Page 5

1 12. Page 4, by inserting after line 6 the  
 2 following:

3 "c. That the person seeking return of the property  
 4 had no prior knowledge of the criminal activity."

5 13. Page 4, by inserting after line 22 the fol-  
 6 lowing:

7 "NEW SUBSECTION. 9. If the court finds that for-  
 8 feiture of the property to the state has been proven  
 9 by clear and convincing evidence, the court shall  
 10 enter an order transferring ownership to the state,  
 11 and the property shall be delivered to the attorney  
 12 general."

13 14. Page 5, by inserting after line 18 the fol-  
 14 lowing:

15 "Sec. \_\_\_\_\_. This Act, being deemed of immediate  
 16 importance, takes effect upon enactment."

17 15. Title page, lines 1 and 2, by inserting after

- 18 the words "and forfeitable property" the following:  
 19 "by modifying provisions relating to seizable property  
 20 and seizure of vehicles,".  
 21 16. Title page, line 7, by inserting after the  
 22 word "date" the following: "and an effective date".  
 23 17. By renumbering as necessary.

Halvorson of Clayton offered the following amendment H—3585, to the committee amendment H—3436, filed by him and moved its adoption:

H—3585

- 1 Amend amendment, H—3436, to House File 459, as  
 2 follows:  
 3 1. Page 1, by inserting after line 16 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 602.6405, subsection 1, Code  
 6 1989, is amended to read as follows:  
 7 1. Magistrates have jurisdiction of simple  
 8 misdemeanors, including traffic and ordinance  
 9 violations, and preliminary hearings, search warrant  
 10 proceedings, county and municipal infractions, and  
 11 small claims. They also Magistrates have jurisdiction  
 12 to exercise the powers specified in sections 644.2 and  
 13 644.12, and to hear complaints or preliminary  
 14 informations, issue warrants, order arrests, make  
 15 commitments, and take bail. They also Magistrates  
 16 have jurisdiction over violations of section 123.47  
 17 and section 123.49, subsection 2, paragraph "h".  
 18 Magistrates have jurisdiction to conduct hearings  
 19 authorized under section 809.4 and 809.10, subsection  
 20 2."

Amendment H—3585 was adopted.

Tyrrell of Iowa in the chair at 9:27 a.m.

Peterson of Carroll offered the following amendment H—3617, to the committee amendment H—3436, filed by him and moved its adoption:

H—3617

- 1 Amend amendment, H—3436, to House File 459 as  
 2 follows:  
 3 1. Page 1, by striking line 21 and inserting the  
 4 following:  
 5 "1. "Seizable property" means any of the  
 6 following:".  
 7 2. Page 1, by striking lines 24 through 29 and  
 8 inserting the following:  
 9 "b a. Property defined by law to be class I or

10 class II forfeitable property.

11 e. Property which if not seized by the state  
12 poses an imminent danger to a person's health, safety,  
13 or welfare."

14 3. Page 1, by inserting after line 47 the  
15 following:

16 "\_\_\_\_\_. Page 1, line 23, by inserting after the  
17 word "had" the following: ", or which was intended to  
18 have had,"."

19 4. Page 1, by striking lines 49 and 50 and  
20 inserting the following: "and figure "chapter 109,"  
21 the following: "109A, 109B, 110, 110B, or 724.4,"."

22 5. Page 2, by striking lines 1 through 5.

23 6. Page 2, by inserting before line 6 the  
24 following:

25 "\_\_\_\_\_. Page 1, by striking lines 28 through 31."

26 7. Page 2, line 14, by inserting after the word  
27 "identity," the following: "encumbered, transferred  
28 to another person,".

29 8. Page 3, by striking line 8 and inserting the  
30 following: "~~thousand dollars, the~~ The proceeding may  
31 be".

32 9. Page 3, by inserting after line 16 the  
33 following: "If seized property is returned to the  
34 applicant in a damaged condition, the person shall  
35 have a cause of action for such damage against the  
36 seizing agency for damage caused by the negligent or  
37 wrongful acts of the agency."

38 10. Page 3, by striking lines 29 through 32 and  
39 inserting the following: "attorney shall send notice  
40 by regular mail, if the value of the property is less  
41 than fifty dollars, or certified mail, if the value of  
42 the property is equal to or greater than fifty  
43 dollars, to the last".

44 11. Page 4, by inserting after line 7 the  
45 following:

46 "\_\_\_\_\_. Page 2, line 9, by inserting after the word  
47 "forfeiture." the following: "Upon service of the  
48 notice of seizure or forfeiture of seizable or class I  
49 or class II forfeitable property, a lien shall attach  
50 in favor of the state and against the property to the

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1 extent of its full value." "

2 12. Page 4, by striking line 27 and inserting the  
3 following: "~~thousand dollars, the~~ The proceeding may  
4 be".

5 13. Page 4, by inserting after line 39 the  
6 following:

7 "\_\_\_\_\_. Page 3, by striking lines 25 through 29 and  
8 inserting the following: "forfeitable. However,

9 forfeiture is not dependent upon a prosecution for, or  
 10 conviction of, a criminal offense and forfeiture  
 11 proceedings are separate and distinct from any related  
 12 criminal action. However, if the person seeking  
 13 return of the property is acquitted, the person may  
 14 petition the court, within fifteen days of the  
 15 acquittal, for rehearing on the issue of forfeiture.””

16 14. Page 5, by inserting before line 1 the  
 17 following:

18 “\_\_\_\_\_. Page 3, by striking line 35 and inserting  
 19 the following: “fenses, by the person”.

20 \_\_\_\_\_. Page 4, by striking lines 2 through 4 and  
 21 inserting the following:

22 “a. That the person, who is not a party to the  
 23 alleged criminal activity, before becoming aware of  
 24 the investigation, reported the alleged criminal  
 25 activity to the appropriate law enforcement agency  
 26 prior to the seizure of the property.””

27 15. Page 5, by inserting after line 4 the  
 28 following:

29 “\_\_\_\_\_. Page 4, by striking lines 10 through 20 and  
 30 inserting the following:

31 “NEW SUBSECTION. 7. At the conclusion of the  
 32 hearing, the”.

33 \_\_\_\_\_. Page 4, by inserting after line 22 the  
 34 following:

35 “NEW SUBSECTION. 8. If forfeitable property is  
 36 returned in a damaged condition, the person to whom it  
 37 is returned shall have a cause of action for such  
 38 damage against the seizing agency for damage caused by  
 39 the negligent or wrongful acts of the agency.””

40 16. Page 5, line 12, by inserting after the word  
 41 “general” the following: “as the attorney general  
 42 directs”.

43 17. Page 5, by inserting after line 12 the  
 44 following:

45 “\_\_\_\_\_. Page 5, by inserting after line 15 the  
 46 following:

47 “Sec. \_\_\_\_\_. Section 815.11, Code 1989, is amended  
 48 to read as follows:

49 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.  
 50 Costs incurred under section 809.11, subsection 2,

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1 sections 814.9, 814.10, 814.11, 815.4, 815.5, 815.6,  
 2 815.7, 815.10, or the rules of criminal procedure on  
 3 behalf of an indigent shall be paid from funds  
 4 appropriated by the general assembly to the supreme  
 5 court for those purposes.””

Amendment H—3617 was adopted.

On motion by Peterson of Carroll, the committee amendment H—3436, as amended, was adopted.

Halvorson of Clayton offered amendment H—3587 filed by him and requested division as follows:

H—3587

1 Amend House File 459 as follows:

H—3587A

2 1. Page 1, line 25, by inserting after the words  
3 "chapter 109," the following: "chapter 204, or  
4 chapter 204A,".

H—3587B

5 2. Page 3, line 25, by striking the word  
6 "property," and inserting the word "property".  
7 3. Page 3, by striking line 26 and inserting the  
8 following: "is not".

On motion by Halvorson of Clayton, amendment H—3587A was adopted.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3587B.

Peterson of Carroll offered the following amendment H—3459 filed by him and moved its adoption:

H—3459

1 Amend House File 459 as follows:

2 1. Page 2, line 14 by striking the words "Such  
3 forfeitable" and inserting the following:  
4 "Forfeitable".

5 2. Page 2, lines 15 and 16 by striking the words  
6 "Such forfeitable" and inserting the following:  
7 "Forfeitable".

8 3. Page 5, line 7 by striking the word  
9 "property," and inserting the following: "property".

Amendment H—3459 was adopted.

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. 459)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Wise
Tyrrell			
Presiding			

The nays were, 3:

Gruhn	McKean	Osterberg
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Absent or not voting, 4:

Eddie	Ollie	Schrader	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.

**House File 496**, a bill for an act relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties, with report of committee recommending passage was taken up for consideration.

Hibbard of Madison offered the following amendment H-3591 filed by him and moved its adoption:

H-3591

- 1 Amend House File 496 as follows:
- 2 1. Page 7, by striking lines 18 through 20 and
- 3 inserting the following:
- 4 "An action shall not be brought under section
- 5 533C.9 after ten years after the date of the execution

6 of the contract for services to which the action  
 7 relates.  
 8 An action shall not be brought under section  
 9 533C.12 after four years after the date of the  
 10 execution of the contract for services to which the  
 11 action relates.”

Amendment H—3591 was adopted.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 496)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Tyrrell	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Doderer	Eddie	Jesse	Plasier
Schrader			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 623**, a bill for an act relating to developing comprehensive management plans with owners of highly erodible land, with report of committee recommending passage was taken up for consideration.

Speaker Avenson in the chair at 9:49 a.m.

Svoboda of Tama offered the following amendment H—3618 filed by her and moved its adoption:

H—3618

- 1 Amend House File 623 as follows:
- 2 1. Page 1, lines 13 and 14, by striking the words
- 3 "department of natural resources and".
- 4 2. Page 1, by striking line 22, and inserting the
- 5 following: "department's progress in the
- 6 investigation. The department shall report to the
- 7 governor and the general assembly not later than
- 8 January 15, 1991, on the department's recommendation
- 9 for programs".

Amendment H—3618 was adopted.

Svoboda of Tama moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 623)

The ayes were, 65:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Daggett	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Shearer	Shoultz
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker Avenson			

The nays were, 30:

Banks	Bennett	Black	Branstad
Carpenter	Corbett	De Groot	Diemer
Garman	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Maulsby	Metcalf	Miller	Pellett
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 5:

Clark	Eddie	Jesse	Schrader
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 709**, an act relating to credit card receipt processing for state departments, 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?" (H.F. 709)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schnekloth	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford

Trent Tyrrell Van Maanen Wise  
 Mr. Speaker  
 Avenson

The nays were, none.

Absent or not voting, 3:

Eddie Jesse Schrader

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 717**, a bill for an act relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter, was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 717)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Clark	Eddie	Hatch	Jesse
Schrader	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 690**, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, and termination of parental rights, and providing for a procedure relating to courtroom testimony of children, was taken up for consideration.

Bisignano of Polk in the chair at 10:23 a.m.

Clark of Cerro Gordo offered the following amendment H—3623 filed by her and moved its adoption:

H—3623

- 1 Amend House File 690 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 232.2, Code 1989, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 44A.** "Serious mental injury"
- 7 means a psychological condition as determined by a
- 8 psychiatrist, licensed psychologist, pediatrician, or
- 9 licensed mental health professional and which does
- 10 either of the following:
- 11 a. Renders the child chronically and severely
- 12 anxious, agitated, depressed, socially withdrawn,
- 13 psychotic, or in reasonable fear that his or her
- 14 safety is threatened.
- 15 b. Seriously interferes with the child's ability
- 16 to accomplish appropriate developmental milestones,
- 17 peer relationships, or school, and community tasks."
- 18 2. By renumbering as necessary.

Amendment H—3623 was adopted.

Shoning of Woodbury offered the following amendment H—3625 filed by Shoning, et al., and moved its adoption:

H—3625

- 1 Amend House File 690 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 232.68, subsection 2, paragraph
- 5 c, Code 1989, is amended to read as follows:
- 6 c. The failure on the part of a person responsible

7 for the care of a child to provide for the adequate  
 8 food, shelter, clothing or other care necessary for  
 9 the child's health and welfare when financially able  
 10 to do so or when offered financial or other reasonable  
 11 means to do so. A parent or guardian legitimately  
 12 practicing religious beliefs who does not provide  
 13 specified medical treatment for a child for that  
 14 reason alone shall not be considered abusing the  
 15 child, however this provision shall not preclude a  
 16 court from ordering that medical service be provided  
 17 to the child where the child's health requires it."

18 2. Page 11, by inserting before line 1' the  
 19 following:

20 "Sec. \_\_\_\_\_. Section 235B.1, subsection 2, paragraph  
 21 a, Code 1989, is amended by striking the paragraph.

22 Sec. \_\_\_\_\_. Section 281.8, unnumbered paragraph 3,  
 23 Code 1989, is amended to read as follows:

24 ~~No provision of this~~ This chapter shall not be  
 25 construed to require or compel any person a parent or  
 26 guardian who is a member of a well-recognized church  
 27 or religious denomination and whose religious  
 28 convictions, in accordance with the tenets or  
 29 principles of the person's church or religious  
 30 denomination, are opposed to medical or surgical  
 31 treatment for disease to take or follow a course of  
 32 physical therapy, or submit to medical treatment, nor  
 33 shall any parent or guardian who is a member of such  
 34 church or religious denomination and who has such  
 35 religious convictions be required to enroll a child in  
 36 any course or instruction which utilizes medical or  
 37 surgical treatment for disease.

38 Sec. \_\_\_\_\_. Section 726.6, subsection 1, paragraph  
 39 d, Code 1989, is amended to read as follows:

40 d. Willfully deprives a child or minor of  
 41 necessary food, clothing, shelter, health care or  
 42 supervision appropriate to the child or minor's age,  
 43 when the person is reasonably able to make the  
 44 necessary provisions and which deprivation  
 45 substantially harms the child or minor's physical,  
 46 mental or emotional health. For purposes of this  
 47 paragraph, the failure to provide specific medical  
 48 treatment shall not for that reason alone be  
 49 considered willful deprivation of health care if the  
 50 person can show that such treatment would conflict

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1 with the tenets and practice of a recognized religious  
 2 denomination of which the person is an adherent or  
 3 member. This exception does not in any manner  
 4 restrict the right of an interested party to petition  
 5 the court on behalf of the best interest of the child

- 6 or minor.”  
 7 3. Page 12, by inserting after line 6 the  
 8 following:  
 9 “Sec. \_\_\_\_\_. Section 255.10, Code 1989, is  
 10 repealed.”  
 11 4. Title page, by striking line 3 and inserting  
 12 the following: “abuse, termination of parental  
 13 rights, religious exemptions regarding children, and  
 14 providing for a”.  
 15 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 47, nays 38.

Amendment H—3625 was adopted.

Spear of Lee offered the following amendment H—3563 filed by him and moved its adoption:

H—3563

- 1 Amend House File 690 as follows:  
 2 1. Page 2, line 6, by inserting after the word  
 3 “child.” the following: “However, “observation” of a  
 4 male child may include viewing the child’s breast.”

Amendment H—3563 was adopted.

Bennett of Ida offered the following amendment H—3626 filed by him and moved its adoption:

H—3626

- 1 Amend House File 690 as follows:  
 2 1. Page 9, by striking lines 26 through 35.  
 3 2. Renumber as necessary.

Amendment H—3626 was adopted.

The following amendment H—3644 filed by Clark of Cerro Gordo from the floor was adopted by unanimous consent:

H—3644

- 1 Amend House File 690 as follows:  
 2 1. Page 4, line 13, by striking the numeral “4”  
 3 and inserting the numeral “6”.  
 4 2. Page 4, line 16, by striking the numeral “4”  
 5 and inserting the numeral “6”.  
 6 3. Page 5, by striking lines 23 and 24.

Arnould of Scott asked and received unanimous consent that House File 690 be deferred and that the bill retain its place on the calendar.

**House File 692**, a bill for an act requiring the department of inspections and appeals to develop a special classification of residential care facilities, was taken up for consideration.

Adams of Hamilton offered the following amendment H—3606 filed by her and moved its adoption:

H—3606

- 1 Amend House File 692 as follows:
- 2 1. Page 1, by striking lines 17 through 23 and
- 3 inserting the following: "must comply with rules
- 4 adopted by the department for the special
- 5 classification which shall include an emphasis on age
- 6 appropriate and least restrictive programs. However,
- 7 a facility provider which has been accredited by the
- 8 accreditation council for services to persons with
- 9 mental retardation and other development disabilities
- 10 shall be deemed to be in compliance with the rules
- 11 adopted by the department."
- 12 2. Page 1, line 30, by striking the words "the
- 13 appendix to".
- 14 3. Page 1, by striking lines 31 and 32 and
- 15 inserting the following: "the national fire
- 16 protection association life safety code of 1988."

Amendment H—3606 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. 692)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg

Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Bisignano			
Presiding			

The nays were, none.

Absent or not voting, 3:

Eddie                      Schnekloth                      Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 693**, a bill for an act relating to notaries public and other notarial officers and notarial acts, and providing an applicability date and an effective date, 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. 693)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner

Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Bisignano	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Eddie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 703**, a bill for an act relating to the financing for the rural community 2000 program and authorizing the issuance of bonds and notes by the Iowa finance authority for the program, was taken up for consideration.

Spear of Lee offered the following amendment H—3578 filed by him and moved its adoption:

H—3578

- 1 Amend House File 703 as follows:
- 2 1. Page 1, line 34, by inserting after the words
- 3 "fifty percent" the following: "but less than".

Amendment H—3578 was adopted.

Speaker Avenson in the chair at 11:18 a.m.

Bennett of Ida offered the following amendment H—3624 filed by him and moved its adoption:

H—3624

- 1 Amend House File 703 as follows:
- 2 1. By striking page 2, line 35 through page 3,
- 3 line 18.
- 4 2. Page 3, line 19, by striking the words and
- 5 figure "and section 220.134".
- 6 3. Title page, by striking lines 2 and 3 and
- 7 inserting the following: "program."

Roll call was requested by Swartz of Marshall and Wise of Lee.

On the question "Shall amendment H—3624 be adopted?"  
(H.F. 703)

The ayes were, 30:

Banks	Bennett	Branstad	Carpenter
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Kistler	Kremer	Lageschulte

Lundby	Maulsby	Metcalf	Miller
Neuhauser	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 66:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKean	McKinney	Mertz
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Spenner
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 4:

Daggett	De Groot	Eddie	Jesse
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Amendment H — 3624 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. 703)

The ayes were, 87:

Adams	Arnould	Banks	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam

May	McKean	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 10:

Bennett	Branstad	Carpenter	Hanson, D. R.
Maulsby	Metcalf	Miller	Plasier
Renken	Stromer		

Absent or not voting, 3:

Eddie	Teaford	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### REFERRED TO COMMITTEE ON APPROPRIATIONS (House Files 200 and 718)

The Speaker announced that House Files 200 and 718, presently on the **regular calendar**, were referred to the committee on **appropriations**.

On motion by Arnould of Scott, the House was recessed at 11:55 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 9**, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the item veto authority of the governor.

Read first time and referred to committee on **state government**.

**Senate File 176**, by Murphy, a bill for an act relating to service of notice of expiration of the right of redemption from tax sales.

Read first time and referred to committee on **local government**.

**Senate File 199**, by Lloyd-Jones, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

Read first time and referred to committee on **human resources**.

**Senate File 397**, by committee on judiciary, a bill for an act relating to salaries of the clerks of the district court.

Read first time and **passed on file**.

**Senate File 408**, by Fuhrman and Welsh, a bill for an act relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

Read first time and referred to committee on **transportation**.

**Senate File 412**, by committee on human resources, a bill for an act relating to the medical assistance subrogation rights of the department of human services.

Read first time and referred to committee on **human resources**.

**Senate File 420**, by Horn, a bill for an act allowing the issuance of personalized collegiate registration plates.

Read first time and referred to committee on **transportation**.

**Senate File 444**, by committee on business and labor relations, a bill for an act relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 445**, by committee on commerce, a bill for an act relating to insurance by requiring the payment of interest on certain delayed claim settlements, making failure to pay interest on claim settlements when required an unfair claim settlement practice subject to penalties, authorizing certain administrative penalties, providing a uniform standard for cancellation notices in personal property lines of insurance, providing for the repeal of requirements to attach applications to policies, altering notice of cancellation provisions for non-renewal of commercial umbrella or excess policies or contracts, distinguishing nonadmitted and unauthorized insurance companies, and imposing surplus requirements on county mutual associations.

Read first time and referred to committee on **small business and commerce**.

**Senate File 449**, by committee on education, a bill for an act relating to vocational education and requesting a study.

Read first time and referred to committee on **education**.

**Senate File 450**, by committee on education, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

Read first time and referred to committee on **education**.

**Senate File 460**, by committee on judiciary, a bill for an act relating to obtaining depositions in a foreign jurisdiction.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 466**, by committee on small business and economic development, a bill for an act allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure.

Read first time and referred to committee on **economic development**.

**Senate File 486**, by committee on judiciary, a bill for an act relating to rent-to-own regulations.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 488**, by committee on environment and energy utilities, a bill for an act relating to solid waste disposal and providing penalties.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 494**, by committee on judiciary, a bill for an act relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the Act's applicability.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 498**, by committee on judiciary, a bill for an act relating to the appointment, terms, retention, and qualifications of magistrates, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 506**, by committee on judiciary, a bill for an act relating to the administration of small estates.

Read first time and **passed on file**.

### CONSIDERATION OF BILLS Regular Calendar

**House File 687**, a bill for an act to eliminate the nonresident commercial mussel license, was taken up for consideration.

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. 687)

The ayes were, 84:

Adams	Banks	Beaman	Beatty
Bennett	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Daggett	De Groot	Diemer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Swartz
Teaford	Trent	Tyrrell	Van Maanen

The nays were, 11:

Arnould	Bisignano	Brammer	Doderer
Harbor	Mertz	Poncy	Svoboda
Tabor	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 5:

Corbett	Eddie	Hermann	Miller
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 713**, a bill for an act relating to the appointment of an environmental advocate and the establishment of an environmental advocate advisory committee, was taken up for consideration.

McKean of Jones offered the following amendment H—3627 filed by him:

H—3627

- 1 Amend House File 713 as follows:
- 2 1. Page 1, by striking lines 3 through 6 and
- 3 inserting the following:
- 4 "1. The governor shall appoint an environmental
- 5 advocate. The appointee is subject to senate
- 6 confirmation. The advocate's term of office is for
- 7 six years."
- 8 2. Page 1, line 20, by striking the words
- 9 "attorney general" and inserting the following:
- 10 "governor".
- 11 3. Page 3, line 7, by striking the words
- 12 "attorney general" and inserting the following:
- 13 "governor".

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3627.

Holveck of Polk offered the following amendment H—3629 filed by him and moved its adoption:

H—3629

- 1 Amend House File 713 as follows:
- 2 1. Page 3, by striking lines 18 through 27.
- 3 2. By renumbering as necessary.

Amendment H—3629 was adopted.

The House stood at ease at 3:58 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 713 at 4:40 p.m., Speaker Avenson in the chair.

The House resumed consideration of amendment H—3627, previously deferred.

Rosenberg of Story in the chair at 4:42 p.m.

Tyrrell of Iowa offered the following amendment H—3654, to amendment H—3627, filed by him from the floor:

H—3654

- 1 Amend amendment H—3627 to House File 713 as
- 2 follows:
- 3 1. Page 1, line 5, by adding after the word
- 4 "advocate." the following: "The person appointed
- 5 as environmental advocate shall not have served in
- 6 the Iowa legislature within two years prior to
- 7 appointment."

Speaker Avenson in the chair at 4:46 p.m.

Tyrrell of Iowa moved the adoption of amendment H—3654, to amendment H—3627.

A non-record roll call was requested.

The ayes were 34, nays 46.

Amendment H—3654 lost.

McKean of Jones offered the following amendment H—3655, to amendment H—3627, filed from the floor by him and Trent of Muscatine and moved its adoption:

H—3655

- 1 Amend amendment H—3627 to House File 713 as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7 and
- 4 inserting in lieu thereof the following: "1. The
- 5 board of directors of the Iowa academy of science
- 6 shall select three persons to be presented to the
- 7 Governor for appointment to the position of environ-
- 8 mental advocate. The advocate's term of office is
- 9 for six years."

A non-record roll call was requested.

The ayes were 30, nays 16.

Amendment H—3655 was adopted.

On motion by McKean of Jones, amendment H—3627, as amended, lost.

Chapman of Linn asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3668 filed by her from the floor as follows:

H—3668

- 1 Amend House File 713, as follows:
- 2 1. Page 4, by striking lines 16 through 18, and
- 3 inserting the following: "confirmation. No more than
- 4 three members shall belong to the same political
- 5 party. No more than a simple".

On motion by Chapman of Linn, amendment H—3668 was adopted.

Koenigs of Mitchell in the chair at 5:30 p.m.

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. 713)

The ayes were, 62:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Lykam	May	McKean
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Trent	Wise		

The nays were, 36:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Royer
Schnekloth	Siegrist	Spenner	Stromer

Stueland

Tyrrell

Van Maanen

Koenigs  
Presiding

Absent or not voting, 2:

Eddie

Jay

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 638**, a bill for an act relating to administration and authority of the department of agriculture and land stewardship, by retitling administrative units, eliminating certain duties, and authorizing the department to engage in the sale, promotion, marketing, and exporting of agricultural products, was taken up for consideration.

Petersen of Muscatine asked and received unanimous consent to withdraw amendment H—3538 filed by him on March 22, 1989.

Gruhn of Dickinson offered the following amendment H—3630 filed by her and moved its adoption:

H—3630

- 1 Amend House File 638 as follows:
- 2 1. Page 2, by striking lines 7 through 22.
- 3 2. Title page, by striking lines 2 through 5, and
- 4 inserting the following: "of agriculture and land
- 5 stewardship."

Amendment H—3630 was adopted.

Speaker Avenson in the chair at 6:11 p.m.

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. 638)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson

Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Eddie	Jay	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to add to the Wednesday daily debate calendar the bills listed on the addendum to the daily debate calendar for March 29, 1989.

#### 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 bills listed on the Wednesday, March 29, 1989 daily debate calendar and addendum.

**House File 714**, a bill for an act relating to the prohibition of certain sewage ash at a sanitary landfill or other off-premises facilities, was taken up for consideration.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 714)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Mausby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Tyrrell                      Van Maanen

Absent or not voting, 5:

Eddie                      Jay                      Johnson                      McKinney  
Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28, 1989, he approved and transmitted to the Secretary of State the following bill:

House File 404, an act relating to the effective date of a city incorporation, annexation, discontinuance, or boundary adjustment proposal, and providing an effective date.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday, March 27, 1989. Had I been present, I would have voted "aye" on House Files 49, 477 and 670.

BUHR of Polk

## PRESENTATION OF VISITORS

Speaker Avenson presented to the House, Peter and Doreen Coombe, of Benfleet, Essex, England.

The Speaker also announced that the following visitors were present in the House chamber:

One hundred thirty third and fourth grade students from Whittier Elementary School, Indianola, accompanied by Susan Murphy. By Beatty of Warren.

Fifty Senior students from Rockford Senior High School, Rockford, accompanied by Bob Druckery. By Clark of Cerro Gordo.

Twenty-one Senior students from Sioux Valley High School, Linn Grove, accompanied by Dean Miller. By Eddie of Buena Vista and Fogarty of Palo Alto.

## SUBCOMMITTEE ASSIGNMENTS

### House File 472

Local Government: Fuller, Chair; Brown and Renken.

### House File 657

Human Resources: Buhr, Chair; Carpenter, Clark, Hammond and Peters.

### House File 694

Small Business and Commerce: Shoning, Chair; Hibbard and Holveck.

### House File 697

Small Business and Commerce: Jesse, Chair; Blanshan and Trent.

### Senate Joint Resolution 8

Human Resources: Adams, Chair; Brown, Clark, Mertz and Plasier.

### Senate File 76

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

### Senate File 110

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

### Senate File 278

Human Resources: Brown, Chair; Buhr, Harper, Hermann and Kistler.

### Senate File 327

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 343**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 344**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**Senate File 360**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 364**

Local Government: Royer, Chair; Haverland and Mertz.

**Senate File 367**

Local Government: Fogarty, Chair; Eddie and Muhlbauer.

**Senate File 391**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 394**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and Poney.

**Senate File 395**

Judiciary and Law Enforcement: Plasier, Chair; Knapp and Kremer.

**Senate File 406**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hansen of Woodbury.

**Senate File 410**

Human Resources: Fey, Chair; Carpenter, Hammond, Haverland, Hester, Nielsen and Plasier.

**Senate File 416**

Judiciary and Law Enforcement: Brammer, Chair; Peterson of Carroll and Trent.

**Senate File 417**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 428**

Local Government: Shearer, Chair; Hester and Spear.

**Senate File 491**

Judiciary and Law Enforcement: Siegrist, Chair; Poney and Renaud.

**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 File 476), relating to the establishment of a waste volume reduction and recycling network, prohibiting the disposal of certain products at sanitary landfills, promoting the use of certain recyclable products and certain recycling or reprocessing equipment, prohibiting the use of certain other products, requiring city or county solid waste management programs and plans, establishing fees and taxes, providing for appropriation and expenditure of the fee receipts and certain other moneys, providing penalties, and providing for other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 1989.

AMENDMENTS FILED

H—3637	H.F.	645	Kremer of Buchanan
H—3638	H.F.	749	Spear of Lee
H—3639	H.F.	715	Koenigs of Mitchell
H—3640	H.F.	720	Adams of Hamilton
			Wise of Lee
H—3641	H.F.	645	Jesse of Jasper
H—3642	H.F.	585	McKinney of Dallas
H—3643	H.F.	685	Wise of Lee
			Schnekloth of Scott
H—3645	H.F.	724	Muhlbauer of Crawford
H—3646	H.F.	5	Sherzan of Polk
			Connors of Polk
H—3647	H.F.	690	Brammer of Linn
H—3648	H.F.	600	Bennett of Ida
H—3649	H.F.	641	Renaud of Polk
H—3650	H.F.	700	Jay of Appanoose
H—3651	H.F.	46	Halvorson of Webster
			Harbor of Mills
			Hanson of Delaware
			Teaford of Black Hawk
			Renken of Grundy
			Pavich of Pottawattamie
H—3652	H.F.	712	Garman of Story
H—3653	H.F.	600	Royer of Page

H—3656	H.F.	685	Renken of Grundy Blanshan of Greene Pellett of Cass Halvorson of Clayton Tyrrell of Iowa Kremer of Buchanan Van Maanen of Mahaska
H—3657	H.F.	685	Renken of Grundy McKean of Jones Kremer of Buchanan
H—3658	H.F.	685	Renken of Grundy McKean of Jones Kremer of Buchanan Banks of Plymouth
H—3659	S.F.	155	Svoboda of Tama
H—3660	H.F.	685	Renken of Grundy Royer of Page Halvorson of Clayton Kremer of Buchanan Banks of Plymouth
H—3661	H.F.	685	Renken of Grundy Royer of Page Hibbard of Madison Halvorson of Clayton Tyrrell of Iowa Shearer of Louisa Van Maanen of Mahaska
H—3662	H.F.	685	Renken of Grundy Blanshan of Greene McKean of Jones Kremer of Buchanan
H—3663	H.F.	685	Renken of Grundy Hibbard of Madison Harbor of Mills Tyrrell of Iowa Banks of Plymouth Van Maanen of Mahaska
H—3664	H.F.	685	Renken of Grundy Wise of Lee Hibbard of Madison Hanson of Delaware Tyrrell of Iowa Kremer of Buchanan Shearer of Louisa

H—3665	H.F.	685	Blanshan of Greene Hibbard of Madison Harbor of Mills Tyrrell of Iowa Shearer of Louisa Van Maanen of Mahaska
Renken of Grundy Halvorson of Clayton Hanson of Delaware Kremer of Buchanan			
H—3666	H.F.	685	Renken of Grundy Tyrrell of Iowa Hibbard of Madison Hanson of Delaware Banks of Plymouth Van Maanen of Mahaska
Halvorson of Clayton McKean of Jones Harbor of Mills Kremer of Buchanan			
H—3667	H.F.	685	Renken of Grundy Royer of Page Kremer of Buchanan
H—3669	H.F.	685	Renken of Grundy Royer of Page McKean of Jones Tyrrell of Iowa Kremer of Buchanan Banks of Plymouth
H—3670	H.F.	685	Renken of Grundy Royer of Page McKean of Jones Banks of Plymouth
H—3671	H.F.	685	Renken of Grundy McKean of Jones Harbor of Mills Kremer of Buchanan Van Maanen of Mahaska
Blanshan of Greene Hibbard of Madison Tyrrell of Iowa Shearer of Louisa			
H—3672	H.F.	685	Renken of Grundy Tyrrell of Iowa McKean of Jones Kremer of Buchanan Van Maanen of Mahaska
Halvorson of Clayton Royer of Page Hibbard of Madison Banks of Plymouth			
H—3673	H.F.	685	Renken of Grundy McKean of Jones Halvorson of Clayton Kremer of Buchanan Van Maanen of Mahaska
Royer of Page Hibbard of Madison Tyrrell of Iowa Banks of Plymouth			

H-3674	H.F.	685	Renken of Grundy Hibbard of Madison Halvorson of Clayton Harbor of Mills Tyrrell of Iowa Kremer of Buchanan
H-3675	H.F.	262	Rosenberg of Story Jay of Appanoose
H-3676	H.F.	685	Hansen of Woodbury
H-3677	H.F.	351	Peterson of Carroll Plasier of Sioux Siegrist of Pottawattamie
H-3678	H.F.	685	Renken of Grundy
H-3679	H.F.	730	Halvorson of Webster
H-3680	H.F.	730	Halvorson of Webster
H-3681	H.F.	685	Renken of Grundy Tyrrell of Iowa Royer of Page Pellett of Cass Kremer of Buchanan Banks of Plymouth

On motion by Arnould of Scott, the House adjourned at 6:30 p.m., until 9:00 a.m., Wednesday, March 29, 1989.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 29, 1989

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 Tuesday, March 28, 1989 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Connors of Polk, from sixty-seven constituents opposing any increase in beer, wine or soft drink taxing measures.

By Harbor of Mills, from twenty-three Montgomery County constituents favoring House File 407, relating to certain IPERS benefits.

## SENATE MESSAGE CONSIDERED

**Senate File 502**, by committee on judiciary, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special 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 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability.

Also: That the Senate has on March 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to waste minimization and disposal.

Also: That the Senate has on March 28, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to the confidentiality of applications for public employment.

Also: That the Senate has on March 27, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on March 27, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, a concurrent resolution relating to a biennial memorial session.

JOHN F. DWYER, Secretary

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills, until his return, on request of Halvorson of Clayton.

### CONSIDERATION OF BILLS Regular Calendar

**House File 552**, a bill for an act relating to the consumer credit code, by providing for certain charges, amending the definition of debt collectors, requiring notification and the imposition of certain fees, appropriating funds collected, and providing an applicability date, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk in the chair at 9:33 a.m.

Groninga of Cerro Gordo offered the following amendment H-3449 filed by the committee on small business and commerce and moved its adoption:

H-3449

- 1 Amend House File 552 as follows:
- 2 1. Page 2, line 5, by striking the word
- 3 "purusant" and inserting the following: "pursuant".

The committee amendment H-3449 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. 552)

The ayes were, 88:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Trent	Van Maanen	Wise	Buhr
			Presiding

The nays were, 8:

Adams	Doderer	Hammond	Holveck
Ollie	Osterberg	Swartz	Teaford

Absent or not voting, 4:

Harbor	Lykam	Sherzan	Tyrrell
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(House File 552)

Arnould of Scott asked and received unanimous consent that House File 552 be immediately messaged to the Senate.

**House File 430**, a bill for an act authorizing the appointment or designation of a city health officer, 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?" (H.F. 430)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Buhr			
Presiding			

The nays were, 4:

Chapman	Hammond	Hibbard	McKean
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Absent or not voting, 3:

Eddie	Harbor	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 100**, a bill for an act relating to mobile home parks by requiring termination of tenancies only for good cause, providing for minimum standards, and delegating enforcement and regulatory authority, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—3385 filed by the committee on local government and moved its adoption:

H—3385

- 1 Amend House File 100 as follows:
- 2 1. Page 1, line 10, by striking the words "one
- 3 hundred eighty" and inserting the following: "sixty".
- 4 2. Page 1, line 11, by inserting after the word

5 "notice" the following: "except a thirty day notice  
6 of termination is permitted for repetitive violations  
7 pursuant to subsection 3, paragraph "a"."

8 3. Page 1, lines 17 and 18, by striking the words  
9 "one hundred eighty" and inserting the following:  
10 "sixty".

11 4. Page 1, line 19, by inserting after the word  
12 "time." the following: "A notice of termination shall  
13 not be enforced until ten days after a mediation  
14 agreement or arbitrator's order providing for  
15 termination is entered pursuant to section 562B.36."

16 5. Page 2, line 2, by striking the word "one-  
17 hundred-eighty" and inserting the following: "sixty".

18 6. Page 2, line 5, by striking the word "one-  
19 hundred-eighty" and inserting the following: "sixty".

20 7. Page 2, line 12, by striking the word "one-  
21 hundred-eighty" and inserting the following: "sixty".

22 8. Page 2, line 13, by inserting after the word  
23 "cure." the following: "A prior mediation agreement  
24 or arbitration finding of good cause for nonpayment of  
25 rent is not required to support issuance of a notice  
26 of termination with no right to cure pursuant to this  
27 unnumbered paragraph."

28 9. Page 2, line 31, by striking the word "one-  
29 hundred-eighty" and inserting the following: "sixty".

30 10. Page 3, by striking line 1, and inserting the  
31 following: "of sixty days. The sixty day notice".

32 11. Page 3, line 4, by inserting after the word  
33 "remedy." the following: "If no cure is attempted or  
34 if the landlord does not accept an attempted cure, the  
35 landlord may file a mediation petition pursuant to  
36 section 562B.36 within ten days after the expiration  
37 of the thirty-day cure period."

38 12. Page 3, by striking lines 5 through 9 and  
39 inserting the following:

40 "a. However, if at least two mediation agreements  
41 or arbitrator's findings have been entered within the  
42 immediately preceding twelve-month period against the  
43 tenant for the same good cause violation, except  
44 nonpayment of rent, as alleged by the landlord, a  
45 thirty-day written notice of termination shall be  
46 effective and no right to cure is available and no  
47 thirty-day notice to vacate is required. A mediation  
48 petition may be filed at the same time, or at any time  
49 after, the landlord's delivery of the notice of  
50 termination under this paragraph."

**Page 2**

1 13. Page 3, lines 16 and 17, by striking the word  
2 "one-hundred-eighty" and inserting the following:  
3 "sixty".

4 14. Page 3, line 18, by striking the word "one-  
5 hundred-eighty" and inserting the following: "sixty".

6 15. Page 4, line 2, by striking the word  
7 "licensing" and inserting the following:  
8 "inspection".

9 16. Page 4, line 4, by striking the words "or  
10 licensing".

11 17. Page 4, line 16, by striking the words  
12 "LICENSING AND".

13 18. Page 4, line 18, by striking the word "Ten"  
14 and inserting the following: "Twenty-five".

15 19. Page 4, line 20, by striking the word  
16 "Ninety" and inserting the following: "Seventy-five".

17 20. Page 4, line 27, by striking the words  
18 "licensing or".

19 21. Page 6, by striking lines 10 through 34.

20 22. Page 6, by inserting before line 35, the  
21 following:

22 "Sec. \_\_\_\_\_, NEW SECTION. 562B.36 MANDATORY  
23 MEDIATION.

24 1. MEDIATORS PROVIDED BY DEPARTMENT OF INSPECTIONS

25 AND APPEALS. The department of inspections and  
26 appeals shall make available a pool of mediators to  
27 mediate mobile home landlord and tenant disputes. The  
28 department may contract with an approved dispute  
29 resolution center as defined in section 679.1 to  
30 provide this service. Except as the provisions of  
31 this section conflict, chapter 679 governs the  
32 mediation process. The costs of mediation shall be  
33 paid equally by the landlord and the opposing party.  
34 As used in this section, unless the context otherwise  
35 requires, "department" means the department of  
36 inspections and appeals or the approved dispute  
37 resolution center appointed to conduct the mediation.

38 2. MANDATORY MEDIATION WITHIN THIRTY DAYS. A

39 mobile home park tenant, a mobile home park tenants'  
40 union or similar organization, or a mobile home park  
41 landlord may file a petition for mediation with the  
42 department. The petition shall name the landlord of  
43 the mobile home park or the tenant against whom the  
44 complaint is made and shall contain a narrative of the  
45 facts giving rise to the petition. The petition need  
46 not plead specific legal causes of action. Mediation  
47 is not required or available for termination for  
48 nonpayment of rent pursuant to section 562B.25,  
49 subsection 2, paragraph "d". The department may by  
50 rule require, or the mediator may in writing request,

Page 3

1 additional information or documents, if available to  
2 the petitioner. The petition shall include a

3 description of the requested relief or remedy. The  
4 department shall appoint a mediator. The department  
5 shall notify the landlord by restricted mail of the  
6 name, address, and phone number of the mediator and a  
7 notice of the date, time, and place of the mediation  
8 meeting. The department shall notify the tenant by  
9 restricted certified mail of the name, address, and  
10 phone number of the mediator and the date, time, and  
11 place of the mediation meeting. The petition shall be  
12 included with the notice to the defendant. The  
13 mediation meeting shall be held within thirty days of  
14 the notice to the landlord, unless the landlord,  
15 petitioner, and mediator mutually agree on a later  
16 date. Failure of the landlord to participate in the  
17 mediation meeting shall result in the entry of a  
18 default decision in the petitioner's favor, granting  
19 the requested relief or remedy. A default decision is  
20 enforceable as a contract. Participation of the  
21 petitioner in the mediation meeting is a  
22 jurisdictional precondition to filing a suit based  
23 upon the same facts described in the petition in  
24 district court.

25     **3. MEDIATION AGREEMENT ENFORCEABLE AS CONTRACT.**  
26 If an agreement is reached between the parties to  
27 mediation, it shall be reduced to writing, signed by  
28 all parties and the mediator, and be filed with the  
29 department. A mediation agreement is an enforceable  
30 contract.

31     **4. MANDATORY ARBITRATION WITHIN TEN DAYS OF**  
32 **FAILURE OF MEDIATION.** If a mediation agreement is not  
33 reached within the thirty days permitted under  
34 subsection 2, the mediator becomes an arbitrator. The  
35 arbitrator may schedule and require the party's  
36 attendance at an arbitration hearing. The arbitration  
37 hearing shall be held within ten days of the last  
38 mediation meeting unless the petitioner, the landlord,  
39 and the arbitrator mutually agree on a later date.  
40 The arbitrator shall promptly issue the arbitrator's  
41 findings and order after conclusion of the arbitration  
42 hearing. The findings, if required by the facts of  
43 the case, shall include a determination of the  
44 presence of good cause, as defined in section 562B.25.  
45 The arbitrator's order shall confirm termination of  
46 the contract in support of the notice of termination  
47 if required by section 562B.25 and such additional  
48 relief as necessary or convenient to maintain or  
49 restore the successful party's rights and interest.

50     **5. CONSENT TO ARBITRATION PART OF EVERY RENTAL**

## Page 4

1 AGREEMENT FOR A MOBILE HOME SPACE. A rental agreement  
 2 includes as a matter of law an agreement by both  
 3 parties to submit to arbitration in the event a  
 4 mediation petition is filed and no default decision or  
 5 mediation agreement is filed. The department shall  
 6 appoint the arbitrator, as provided in subsection 2.  
 7 If a written rental agreement fails to include a  
 8 consent to arbitration, it is implied by law. Chapter  
 9 679A shall govern the arbitration proceedings and  
 10 effect of the arbitration award. Notwithstanding,  
 11 section 679A.10, the losing party shall pay the costs  
 12 of arbitration, except for counsel fees, unless the  
 13 arbitrator finds that such an award of costs would  
 14 impose an injustice or undue hardship on the losing  
 15 party."

16 23. By renumbering, relettering, or redesignating  
 17 and correcting internal references as necessary.

The committee amendment H—3385 was adopted.

Speaker Avenson in the chair at 10:40 a.m.

Ollie of Clinton in the chair at 10:42 a.m.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 100)

The ayes were, 43:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Clark	Connolly	Connors	Dvorsky
Fey	Groninga	Hammond	Hansen, S. D.
Harper	Haverland	Hibbard	Holveck
Jesse	Jochum	Johnson	McKinney
Mertz	Neuhausser	Nielsen	Osterberg
Pavich	Peters	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Swartz	Teaford	Ollie	
		Presiding	

The nays were, 53:

Banks	Beaman	Bennett	Branstad
Carpenter	Cohoon	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty

Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Hatch
Hermann	Hester	Jay	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Metcalf	Miller	Muhlbauer
Pellett	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Royer	Schneklath
Shoning	Siegrist	Spenner	Stromer
Stueland	Svoboda	Tabor	Trent
Van Maanen			

Absent or not voting, 4:

Doderer	Plasier	Tyrrell	Wise
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The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

**House File 351**, a bill for an act prohibiting discriminatory practices based upon a person's sexual orientation, with report of committee recommending passage was taken up for consideration.

Plasier of Sioux offered the following amendment H—3631 filed by him and moved its adoption:

H—3631

- 1 Amend House File 351 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 601A.6, subsection 6, Code
- 5 1989, is amended by adding the following new
- 6 paragraph:
- 7 **NEW PARAGRAPH.** e. Any educational institution if
- 8 a student or a student's parent objects to employment
- 9 of administrative or instructional staff, based upon
- 10 homosexuality or bisexuality."
- 11 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 56.

Amendment H—3631 lost.

Peterson of Carroll offered the following amendment H—3677 filed by Peterson, et al., and moved its adoption:

H—3677

- 1 Amend House File 351 as follows:
- 2 1. Page 2, by inserting after line 28, the
- 3 following:

4 "Sec. \_\_\_\_\_. Section 601A.6, subsection 6, paragraph  
5 d, Code 1989, is amended to read as follows:  
6 d. Any bona fide religious institution or its  
7 educational facility, association, corporation or  
8 society with respect to any qualifications for  
9 employment based on religion or sexual orientation  
10 when such qualifications are related to a bona fide  
11 religious purpose. A religious qualification for  
12 instructional personnel or an administrative officer,  
13 serving in a supervisory capacity of a bona fide  
14 religious educational facility or religious  
15 institution, shall be presumed to be a bona fide  
16 occupational qualification."

17 2. Page 4, by inserting after line 11, the  
18 following:

19 "Sec. \_\_\_\_\_. Section 601A.9, subsection 4,  
20 unnumbered paragraph 2, Code 1989, is amended to read  
21 as follows:

22 For the purpose of this section "educational  
23 institution" includes any preschool, elementary,  
24 secondary, or merged area school, area education  
25 agency, or postsecondary college or university and  
26 their governing boards. This section does not  
27 prohibit an educational institution from maintaining  
28 separate toilet facilities, locker rooms or living  
29 facilities for the different sexes so long as  
30 comparable facilities are provided. Nothing in this  
31 section shall be construed as prohibiting any bona  
32 fide religious institution from imposing  
33 qualifications based on religion or sexual orientation  
34 when such qualifications are related to a bona fide  
35 religious purpose or any institution from admitting  
36 students of only one sex."

37 3. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 49.

Amendment H—3677 was adopted.

Speaker Avenson in the chair at 12:06 p.m.

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. 351)

The ayes were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Doderer	Dvorsky
Eddie	Fey	Fogarty	Groninga
Gruhn	Hammond	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Lundby	May	McKean	McKinney
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Peterson, M. K.	Plasier	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Siegrist	Spear	Spenner
Swartz	Tabor	Teaford	Trent
Mr. Speaker			
Avenson			

The nays were, 41:

Banks	Beaman	Bennett	Blanshan
Branstad	Connors	Corbett	Daggett
De Groot	Diemer	Fuller	Garman
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harbor
Hermann	Hester	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	Mertz	Metcalf	Muhlbauer
Pavich	Pellett	Peters	Petersen, D. F.
Poncy	Renken	Royer	Schneklath
Shoning	Stromer	Svoboda	Tyrrell
Van Maanen			

Absent or not voting, 2:

Stueland	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 12:48 p.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### SENATE MESSAGES CONSIDERED

**Senate File 470**, by committee on environment and energy utilities, a bill for an act relating to waste minimization and disposal.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 481**, by committee on state government, a bill for an act relating to the confidentiality of applications for public employment.

Read first time and referred to committee on **state government**.

**SPONSOR WITHDRAWN**  
(Amendment H—3663 to House File 685)

Wise of Lee requested to be withdrawn as a sponsor of amendment H—3663 to House File 685.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 2:35 p.m., Speaker Avenson in the chair.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 685**, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state bank holding company, was taken up for consideration.

Spear of Lee offered the following amendment H—3529 filed by him:

H—3529

- 1 Amend House File 685 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 524.1805, Code 1989, is amended
- 5 to read as follows:
- 6 524.1805 OUT-OF-STATE HOLDING COMPANIES.
- 7 Nothing in this This division shall be construed to
- 8 does not authorize a bank holding company which is
- 9 with respect to the state of Iowa an "out-of-state
- 10 bank holding company", as defined or referred to in 12
- 11 U.S.C. § 1842(d), as amended to January 1, 1971, to
- 12 acquire any of the voting shares of, any interest in,
- 13 all or substantially all of the assets of, or power to
- 14 control in any manner the election of any of the
- 15 directors of any bank in this state, unless such bank
- 16 holding company was on January 1, 1971 registered with
- 17 the federal reserve board as a bank holding company,
- 18 and on that date owned at least two banks in this
- 19 state.
- 20 An alien bank holding company shall not acquire any
- 21 of the voting shares of, any interest in, all or
- 22 substantially all of the assets of, or power to

23 control in any manner the election of any of the  
 24 directors of any bank or bank holding company in this  
 25 state. For purposes of this section, "alien bank  
 26 holding company" means a bank holding company whose  
 27 banking subsidiaries' activities are principally  
 28 conducted in a nation other than the United States, or  
 29 an out-of-state bank holding company in which ten  
 30 percent or more of the voting shares, or other power  
 31 to control in any manner the election of any of its  
 32 directors, is owned or controlled, directly or  
 33 indirectly, by a nonresident alien."

34 2. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—3529 was not germane.

The Speaker ruled the point well taken and amendment H—3529 not germane.

Doderer of Johnson offered the following amendment H—3568 filed by her:

H—3568

1 Amend House File 685 as follows:

2 1. Page 1, by inserting before line 1 the  
 3 following:

4 "Sec. 100. Section 422.61, subsection 1, Code  
 5 1989, is amended to read as follows:  
 6 1. "Financial institution" means a state bank as  
 7 defined in section 524.103, subsection 19, a state  
 8 bank chartered under the laws of any other state, a  
 9 national banking association having its principal  
 10 office within this state, a trust company, a federally  
 11 chartered savings and loan association, an out-of-  
 12 state state chartered savings bank, a financial  
 13 institution chartered by the federal home loan bank  
 14 board, a non-Iowa chartered savings and loan  
 15 association, an association incorporated or authorized  
 16 to do business under chapter 534, or a production  
 17 credit association."

18 2. Page 16, line 34, by striking the words  
 19 "Section 1 of this Act applies" and inserting the  
 20 following: "Sections 100 and 1 of this Act apply".

21 3. By renumbering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—3568 was not germane.

The Speaker ruled the point well taken and amendment H — 3568 not germane.

Hansen of Woodbury offered the following amendment H — 3676 filed by him and moved its adoption:

H—3676

- 1 Amend House File 685 as follows:
- 2 1. Page 1, by striking line 7 and inserting the
- 3 following: "1989, or a company that will become a
- 4 bank holding company upon completion of an acquisition
- 5 in accordance with section 524.1852".
- 6 2. Page 1, line 32, by striking the word
- 7 "RECIPROCITY" and inserting the following:
- 8 "ACQUISITIONS".
- 9 3. Page 4, by inserting after line 19 the
- 10 following:
- 11 "7. Information demonstrating that the applicant
- 12 intends to provide net new agricultural financing in
- 13 this state. "Agricultural financing" includes credit
- 14 to agricultural producers, agricultural suppliers,
- 15 agricultural processors, and agricultural lenders."
- 16 4. Page 5, line 20, by striking the word "do" and
- 17 inserting the following: "be of benefit to this state
- 18 upon consideration of".
- 19 5. Page 6, line 19, by striking the word
- 20 "impediments" and inserting the following: "or
- 21 regulatory restrictions or requirements".
- 22 6. Page 7, by inserting after line 26 the
- 23 following:
- 24 "k. Will result in net new agricultural financing
- 25 in this state."
- 26 7. Page 7, by striking lines 34 and 35 and
- 27 inserting the following: "entering into a contract
- 28 with the superintendent providing that any bank
- 29 located in this state and owned or controlled by the
- 30 applicant will be operated in".
- 31 8. Page 11, lines 5 and 6, by striking the words
- 32 "reciprocity limitation in section 524.1852 is" and
- 33 inserting the following: "limitations contained in
- 34 section 524.1852 are".
- 35 9. Page 11, by striking lines 26 and 27 and
- 36 inserting the following: "within the state which
- 37 acquires ownership or control of a bank located in
- 38 another state."
- 39 10. Page 14, by striking line 24 and inserting
- 40 the following:
- 41 "a. A developmental loan to capital, surplus, and
- 42 undivided profit ratio of five percent."
- 43 11. By striking page 16, line 34, through page
- 44 17, line 1.

45 12. Title page, by striking line 4 and inserting  
 46 the following: "state regional bank holding company,  
 47 subject to certain procedures and conditions,  
 48 subjecting a bank acquired by a regional bank holding  
 49 company to community reinvestment standards and  
 50 disclosures as a condition of the deposit of public

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1 funds or the approval of actions of the bank by the  
 2 superintendent, and other properly related matters,  
 3 and making penalties applicable."  
 4 13. By renumbering and relettering as necessary.

Amendment H—3676 was adopted.

Renken of Grundy offered the following amendment H—3666 filed  
 by Renken, et al., and moved its adoption:

H—3666

1 Amend House File 685 as follows:  
 2 1. Page 1, line 25, by inserting after the word  
 3 "region" the following: "and having at least seventy-  
 4 five percent of its investments located within Iowa or  
 5 states contiguous to Iowa".

A non-record roll call was requested.

The ayes were 27, nays 42.

Amendment H—3666 lost.

Renken of Grundy offered the following amendment H—3674 filed  
 by Renken, et al., and moved its adoption:

H—3674

1 Amend House File 685 as follows:  
 2 1. Page 1, line 33, by inserting after the word  
 3 "company" the following: ", except a regional bank  
 4 holding company with more than twenty-five percent of  
 5 its total assets located in states other than Iowa or  
 6 states contiguous to Iowa,".

Amendment H—3674 lost.

Renken of Grundy offered the following amendment H—3660 filed  
 by Renken, et al., and moved its adoption:

H—3660

1 Amend House File 685 as follows:  
 2 1. Page 2, by inserting after line 9, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 524.1852A NOTICE OF

## 5 INTENT TO ACQUIRE.

6 As a precondition to an acquisition or approval of  
7 an application for an acquisition under this division,  
8 a regional bank holding company considering the  
9 purchase of, or intending to purchase, an Iowa bank or  
10 Iowa bank holding company shall file a notice of  
11 intent to acquire an interstate banking interest  
12 within the state at least six months prior to the  
13 submission of an application to acquire any specific  
14 bank or bank holding company pursuant to section  
15 524.1853. The notice of intent to acquire shall be in  
16 a form determined by rule of the superintendent, but  
17 shall not require the regional bank holding company to  
18 disclose any particular bank or bank holding company  
19 intended to be acquired, even if a specific intent  
20 exists at the time of filing."

21 2. By renumbering and correcting internal  
22 references as necessary.

Amendment H—3660 was adopted.

Renken of Grundy offered the following amendment H—3670 filed  
by Renken, et al., and moved its adoption:

H—3670

1 Amend House File 685 as follows:

2 1. Page 4, by inserting after line 19, the  
3 following:

4 "\_\_\_\_\_. The personal affirmation of each member of  
5 the regional bank holding company's board of directors  
6 that the regional bank holding company will meet  
7 minimum state and federal community reinvestment  
8 standards and comply with the conditions of the  
9 acquisition if approved. A director who later  
10 approves an action of the regional bank holding  
11 company, by affirmative vote or omission, which action  
12 violates the personal affirmation, is liable for a  
13 civil penalty of up to five thousand dollars for each  
14 violation of community reinvestment standards and each  
15 violation of a condition of the acquisition."

16 2. Title page, line 4, by inserting after the  
17 word "company" the following: ", and providing  
18 penalties".

19 3. By renumbering as necessary.

Amendment H—3670 lost.

Renken of Grundy offered the following amendment H—3661 filed  
by Renken, et al., and moved its adoption:

H—3661

1 Amend House File 685 as follows:

2 1. Page 7, by inserting after line 26, the  
3 following:

4 “k. Will on balance have a positive effect upon  
5 the community interests of the communities served by  
6 the bank or banks to be acquired. In considering  
7 community interest factors, the superintendent may  
8 investigate in addition to the effects of the  
9 acquisition on shareholders or depositors, the effects  
10 of the acquisition on employees, suppliers, creditors,  
11 and community development. The superintendent shall  
12 consider the short-term and long-term impact upon  
13 community interests of the proposed acquisition,  
14 including the possibility that community interests may  
15 be best served by the continued independence of the  
16 bank or bank holding company to be acquired. If on  
17 the basis of the community interest factors the  
18 superintendent disapproves an application, the  
19 decision of disapproval shall not be subject to any  
20 appeal, notwithstanding subsection 8.”

21 2. By relettering as necessary.

Amendment H—3661 was adopted.

Renken of Grundy offered the following amendment H—3663 filed  
by Renken, et al., and moved its adoption:

H—3663

1 Amend House File 685 as follows:

2 1. Page 8, line 25, by inserting after the figure  
3 “524.1805,” the following: “shall itself have been in  
4 existence for at least three years as a condition of  
5 any acquisition, and”.

Amendment H—3663 was adopted.

Renken of Grundy offered the following amendment H—3664 filed  
by Renken, et al., and moved its adoption:

H—3664

1 Amend House File 685 as follows:

2 1. Page 8, by inserting after line 31, the  
3 following:

4 “c. A bank holding company that has been in  
5 existence for less than three years.”

6 2. By relettering as necessary.

Amendment H—3664 was adopted.

Wise of Lee offered the following amendment H—3643 filed by him and Schneklath of Scott and moved its adoption:

H—3643

- 1 Amend House File 685 as follows:
- 2 1. Page 9, by inserting after line 16, the
- 3 following:
- 4 "6. The board of directors of a state bank or
- 5 national banking association located in this state or
- 6 a bank holding company located in this state may adopt
- 7 an irrevocable resolution before July 1, 1989, to
- 8 exempt the bank or bank holding company from the
- 9 provisions of section 524.1852 for such a period of
- 10 time as shall be provided in the resolution. If such
- 11 a resolution is adopted, the board of directors shall
- 12 file a certified copy of the resolution with the
- 13 superintendent by July 1, 1989. The resolution may be
- 14 renewed prior to the expiration of the period of time
- 15 provided in the resolution adopted by the board of
- 16 directors of the bank and filed with the
- 17 superintendent, if the renewal is effective prior to
- 18 the expiration of the period of time provided in the
- 19 prior resolution. If such a resolution is adopted and
- 20 the board of directors files a certified copy of the
- 21 resolution with the superintendent as required by this
- 22 subsection, the bank or bank holding company shall not
- 23 be acquired directly or indirectly under section
- 24 524.1852 or acquire a bank or bank holding company
- 25 outside this state until the expiration of the period
- 26 of time provided in the resolution or any renewal of
- 27 the resolution."
- 28 2. By renumbering as necessary.

Amendment H—3643 was adopted.

Renken of Grundy offered the following amendment H—3656 filed by Renken, et al., and moved its adoption:

H—3656

- 1 Amend House File 685 as follows:
- 2 1. Page 9, by inserting after line 29, the
- 3 following:
- 4 "3. At the time of acquisition the acquiring bank
- 5 holding company shall post a performance bond in an
- 6 amount and form determined by the superintendent,
- 7 which bond shall be forfeited upon the
- 8 superintendent's determination that the conditions of
- 9 the superintendent's approval of the application have
- 10 been violated."

Amendment H—3656 was adopted.

Renken of Grundy offered the following amendment H—3669 filed by Renken, et al.:

H—3669

1 Amend House File 685 as follows:

2 1. Page 9, by inserting before line 30, the  
3 following:

4 “3. The superintendent may assess a civil penalty  
5 to a bank holding company in violation of a condition  
6 up to five thousand dollars per violation, but not to  
7 exceed a total of two hundred fifty thousand dollars  
8 per year.”

9 2. Title page, line 4, by inserting after the  
10 word “company” the following: “, and providing  
11 penalties”.

The Speaker announced that lines 9 through 11 of amendment H—3669 were out of order with the previous adoption of amendment H—3676.

On motion by Renken of Grundy, amendment H—3669 (lines 1 through 8) was adopted.

Renken of Grundy offered the following amendment H—3657 filed by Renken, et al., and moved its adoption:

H—3657

1 Amend House File 685 as follows:

2 1. Page 9, line 31, by striking the word  
3 “ACCOUNT” and inserting the following: “ACCOUNTS”.

4 2. Page 9, line 34, by striking the word “a”.

5 3. Page 9, line 35, by striking the word  
6 “account” and inserting the following: “accounts”.

7 4. Page 10, by striking line 2, and inserting the  
8 following:

9 “1. “Basic services transaction accounts” means  
10 both of the following:  
11 a. A transac”.

12 5. Page 10, by inserting after line 9, the  
13 following:

14 “b. A basic services savings account with no  
15 minimum balance requirements and no service fee, which  
16 allows at least two withdrawals per calendar month.”

17 6. By renumbering and relettering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 44.

Amendment H—3657 lost.

Renken of Grundy offered the following amendment H—3673 filed by Renken, et al., and moved its adoption:

H—3673

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by inserting after line 3, the
- 3 following:
- 4 "4. Agricultural loans to new farmers entering the
- 5 profession of farming."

Amendment H—3673 was adopted.

Rosenberg of Story offered the following amendment H—3695 filed by him from the floor and moved its adoption:

H—3695

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by inserting after line 3, the
- 3 following:
- 4 "As a further condition of an acquisition pursuant
- 5 to this division, the acquired bank shall maintain a
- 6 loan to deposit ratio equal to or greater than the
- 7 average loan to deposit ratio for that bank's peer
- 8 group, as determined by the superintendent's survey
- 9 pursuant to section 525.6, subsection 4. The survey
- 10 shall be performed on an annual basis."

Amendment H—3695 was adopted.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3665 filed by him on March 28, 1989.

Renken of Grundy offered the following amendment H—3671 filed by Renken, et al., and moved its adoption:

H—3671

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by striking lines 12 and 13, and
- 3 inserting the following: "company may maintain the
- 4 interest acquired prior to the date of termination of
- 5 reciprocity, but shall not expand its holdings within
- 6 the state."

Amendment H—3671 was adopted.

Renken of Grundy offered the following amendment H—3678 filed by him:

H—3678

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by striking line 23, and inserting

3 the following:

4 "3. "Financial institution" means any of the  
5 following:

6 a. A bank acquired pursuant".

7 2. Page 11, by inserting after line 27, the  
8 following:

9 "b. A bank chartered pursuant to chapter 524.

10 c. A national banking association operating a bank  
11 office within the state.

12 d. A savings and loan association chartered  
13 pursuant to chapter 534.

14 e. A savings and loan association chartered under  
15 the laws of the United States or another state  
16 operating an office within the state, if otherwise  
17 authorized.

18 f. A credit union chartered under chapter 533.

19 g. A credit union chartered under the laws of the  
20 United States or another state operating an office  
21 within the state, if otherwise authorized."

22 3. Page 11, line 32, by striking the words "of  
23 the", and inserting the following: "of".

24 4. Page 11, by striking lines 33 and 34, and  
25 inserting the following: "banking of the department  
26 for banks, the superintendent of savings and loan  
27 associations of the department for savings and loan  
28 associations, and the superintendent of credit unions  
29 of the department for credit unions."

30 5. Page 16, by inserting after line 33, the  
31 following:

32 "Sec. \_\_\_\_\_. NEW SECTION. 533.36 FOREIGN CREDIT  
33 UNIONS OR CONVERSIONS.

34 A credit union shall comply with the community  
35 reinvestment requirements of chapter 525 as a  
36 condition of approval by the superintendent of any of  
37 the following actions by a credit union:

38 1. Admission of a credit union with its principal  
39 place of business located outside of the state, to  
40 operate an otherwise permitted office within the  
41 state.

42 2. Approval of a conversion under section 533.34  
43 or 533.35."

44 6. Page 16, by inserting before line 34, the  
45 following:

46 "Sec. \_\_\_\_\_. Section 534.702, subsection 3, Code  
47 1989, is amended by adding the following new  
48 unnumbered paragraph:

49 NEW UNNUMBERED PARAGRAPH. A foreign association  
50 shall comply with community reinvestment requirements

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1 of chapter 525 as a condition of approval."

2 7. By renumbering and relettering as necessary.

Hansen of Woodbury rose on a point of order that amendment H—3678 was not germane.

The Speaker ruled the point well taken and amendment H—3678 not germane.

Rosenberg of Story offered the following amendment H—3693 filed by him from the floor and moved its adoption:

H—3693

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by striking line 23, and inserting
- 3 the following:
- 4 "3. "Financial institution" means any of the
- 5 following:
- 6 a. A bank acquired pursuant to section 524.1805 or
- 7 pursuant".
- 8 2. Page 11, by inserting after line 27, the
- 9 following:
- 10 "b. A bank chartered pursuant to chapter 524.
- 11 c. A national banking association operating a bank
- 12 office within the state."
- 13 3. By renumbering and relettering as necessary.

Amendment H—3693 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Muhlbauer of Crawford.

Renken of Grundy offered the following amendment H—3662 filed by Renken, et al., and moved its adoption:

H—3662

- 1 Amend House File 685 as follows:
- 2 1. Page 11, by striking lines 28 through 31, and
- 3 inserting the following:
- 4 "4. "Low-income and moderate-income" means the
- 5 income for "lower income families" as defined in
- 6 section 220.1, subsection 3."
- 7 2. By renumbering as necessary.

Amendment H—3662 lost.

Renken of Grundy offered the following amendment H—3681 filed by Renken, et al., and moved its adoption:

H—3681

- 1 Amend House File 685 as follows:

- 2 1. Page 12, by striking line 4, and inserting the  
 3 following: "neighborhoods, rural farm lands, and  
 4 small businesses as described".  
 5 2. Page 14, line 4, by inserting after the word  
 6 "tract." the following: "The superintendent may by  
 7 rule or decision determine other neighborhoods, rural  
 8 farm lands, and small businesses within a financial  
 9 institution's basic service area by census tract as  
 10 required for purposes of section 525.3."

Amendment H—3681 was adopted.

Renken of Grundy offered the following amendment H—3667 filed by Renken, et al., and moved its adoption:

H—3667

- 1 Amend House File 685 as follows:  
 2 1. Page 13, line 12, by inserting after the word  
 3 "activities." the following: "A financial institution  
 4 shall publish in an appropriate publication of general  
 5 circulation within its basic service area, a condensed  
 6 version of its annual report to the superintendent."

Amendment H—3667 was adopted.

Renken of Grundy offered the following amendment H—3672 filed by Renken, et al., and moved its adoption:

H—3672

- 1 Amend House File 685 as follows:  
 2 1. Page 14, by inserting after line 6, the  
 3 following:  
 4 "5. The number and aggregate dollar amount of  
 5 first time new business and new agricultural loans."

Amendment H—3672 was adopted.

Rosenberg of Story offered the following amendment H—3694 filed by him from the floor and moved its adoption:

H—3694

- 1 Amend House File 685 as follows:  
 2 1. Page 14, by inserting after line 6, the  
 3 following:  
 4 "Reports required by this chapter, where  
 5 applicable, shall include purchase participation  
 6 loans; however, a separate listing which excludes  
 7 purchase participation loans, or otherwise shows the  
 8 proportion and aggregate amount of purchase  
 9 participation loans in all affected reporting  
 10 categories, shall be included in a manner approved by  
 11 the superintendent."

A non-record roll call was requested.

The ayes were 25, nays 7.

Amendment H—3694 was adopted.

The Speaker announced that amendment H—3658 filed by Renken, et al., on March 28, 1989 was out of order with the previous adoption of amendment H—3676.

Blanshan of Greene offered the following amendment H—3692 filed by him from the floor and moved its adoption:

H—3692

1 Amend House File 685 as follows:

2 1. Page 16, by inserting after line 27 the  
3 following:

4 "Sec. \_\_\_\_\_, ENFORCEABILITY.

5 1. This Act shall not take effect until the  
6 superintendent of banking certifies in a notice  
7 published in the Iowa administrative bulletin that  
8 both the office of the comptroller of the currency of  
9 the United States and the board of directors of the  
10 federal reserve system have issued written opinions to  
11 the superintendent of banking stating to the  
12 satisfaction of the superintendent of banking that  
13 sections 6, 7, 8, and 10 through 16 of this Act are  
14 enforceable in their entirety against all state and  
15 national banks that are acquired directly or  
16 indirectly by an out-of-state bank holding company  
17 pursuant to the authority of sections 1 through 5 of  
18 this Act. A certification by the superintendent of  
19 banking under this subsection shall constitute final  
20 action by the superintendent and shall be subject to  
21 judicial review under chapter 17A.

22 The form of the notice required by this subsection  
23 shall be determined by the superintendent of banking,  
24 but the notice shall be void unless accompanied by  
25 reproductions of the written opinions submitted to the  
26 superintendent by the board of directors of the  
27 federal reserve system and the office of the  
28 comptroller of the currency.

29 The notice shall be deemed published for purposes  
30 of this subsection on the date the Iowa administrative  
31 bulletin is delivered by the superintendent of  
32 printing to the custody of the United States postal  
33 service for general distribution to subscribers. The  
34 superintendent of printing shall certify that date to  
35 the secretary of state in a manner prescribed by the  
36 secretary of state.

37 2. The superintendent of banking shall request the  
 38 opinions referred to in subsection 1 immediately upon  
 39 the enactment of this Act. If either the office of  
 40 the comptroller of the currency of the United States  
 41 or the board of directors of the federal reserve  
 42 system states in a written opinion submitted to the  
 43 superintendent of banking under subsection 1 that any  
 44 provision of section 6, 7, 8, or 10 through 16 of this  
 45 Act is or would be unenforceable for any reason  
 46 against any state or national bank directly or  
 47 indirectly acquired under the authority of sections 1  
 48 through 5 of this Act, that opinion shall be deemed a  
 49 determination of unenforceability within the meaning  
 50 of subsection 3, and this Act shall be void as of the

**Page 2**

1 date the opinion is received by the superintendent of  
 2 banking.  
 3 3. The provisions of this Act are not severable.  
 4 If any court or regulatory agency of this state or of  
 5 the United States determines in any action or  
 6 proceeding that a provision of section 6, 7, 8, or 10  
 7 through 16 of this Act is unconstitutional or  
 8 otherwise unenforceable for any reason against any  
 9 state or national bank directly or indirectly acquired  
 10 pursuant to the authority of sections 1 through 5 of  
 11 this Act, this Act is void."  
 12 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 53, nays 38.

Amendment H—3692 was adopted.

The House stood at ease at 4:21 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 685 at 4:34 p.m., Speaker Avenson in the chair.

Sherzan of Polk offered the following amendment H—3701 filed by him from the floor and moved its adoption:

H—3701

1 Amend House File 685 as follows:  
 2 1. Page 1, by inserting before line 1, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 524.1416, Code 1989, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 3. A state bank acquired pursuant  
 7 to sections 524.1851 through 524.1859 shall not

- 8 convert into a national bank if the primary purpose of  
 9 the conversion is to avoid compliance with the Iowa  
 10 community reinvestment Act, chapter 525, the board of  
 11 directors of a state bank shall not vote for or agree  
 12 to such a conversion, and any resolution or other  
 13 action of the board of directors to convert the  
 14 acquired state bank into a national bank contrary to  
 15 this subsection is null and void.”  
 16 2. Page 1, by striking lines 16 and 17 and  
 17 inserting the following: “Iowa, Minnesota, Missouri,  
 18 Nebraska, South Dakota, and Wisconsin.”  
 19 3. By renumbering as necessary.

Amendment H—3701 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.

Rule 75 was invoked.

On the question “Shall the bill pass?” (H.F. 685)

The ayes were, 47:

Adams	Arnould	Beatty	Bisignano
Black	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Diemer	Fey	Groninga	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Hermann	Jay	Jesse	Jochum
Johnson	Lundby	Lykam	Metcalf
Muhlbauer	Nielsen	Ollie	Pavich
Peters	Poncy	Renaud	Rosenberg
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Swartz	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 52:

Banks	Beaman	Bennett	Blanshan
Brammer	Brand	Branstad	Brown
Clark	Daggett	De Groot	Doderer
Dvorsky	Eddie	Fogarty	Garman
Gruhn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Hester	Hibbard	Holveck
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	May	McKean
McKinney	Mertz	Miller	Neuhauser
Osterberg	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Renken	Royer	Shearer
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Tyrrell	Van Maanen

Absent or not voting, 1:

Fuller

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

**IMMEDIATE MESSAGE**  
(House File 351)

Arnould of Scott asked and received unanimous consent that House File 351 be immediately messaged to the Senate.

**House File 585**, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project, was taken up for consideration.

Chapman of Linn in the chair at 5:20 p.m.

McKinney of Dallas offered amendment H—3642 filed by him. Division was requested as follows:

H—3642

1 Amend House File 585 as follows:

H—3642A

- 2 1. Page 1, line 5, by inserting after the word
- 3 "assist" the following: "all".
- 4 2. Page 2, line 16, by inserting after the word
- 5 "department." the following: "The state board and its
- 6 members are not liable, jointly or severally, for
- 7 actions or omissions taken or made in the official
- 8 discharge of their duties, except those acts or
- 9 omissions constituting willful or wanton misconduct."
- 10 3. Page 2, line 24, by striking the word "shall"
- 11 and inserting the following: "may".
- 12 4. Page 2, by striking lines 28 and 29 and
- 13 inserting the following: "in situations where there
- 14 is sufficient time to review the patient's condition,
- 15 and a reasonably prudent person would consider a".
- 16 5. Page 2, line 33, by striking the words "ad
- 17 litem".
- 18 6. Page 2, line 35, by striking the words "ad
- 19 litem".
- 20 7. Page 3, line 1, by inserting after the word
- 21 "board" the following: "and its members".
- 22 8. Page 3, line 3, by striking the word "its" and
- 23 inserting the following: "their".

H-3642A

24 9. Page 3, line 6, by inserting after the word  
25 "board" the following: "or state board".  
26 10. Page 4, by striking lines 4 through 6 and  
27 inserting the following: "such duties and determines  
28 that the corporation does not possess a proprietary or  
29 legal interest in an organization which provides  
30 direct services to the individual."  
31 11. Page 4, by striking line 7 and inserting the  
32 following:  
33 "Sec. 8. Section 633.561, subsections 2 and 3,  
34 Code 1989, are".

H-3642B

35 12. Page 4, by inserting after line 14 the  
36 following:  
37 "3. If the proposed ward is entitled to  
38 representation and is indigent or incapable of  
39 requesting counsel, the court shall appoint an  
40 attorney to represent the proposed ward. The cost of  
41 court appointed counsel for indigents, and any court  
42 costs that are waived pursuant to section 633.673,  
43 shall be assessed against the county in which the  
44 proceedings are pending. For the purposes of this  
45 subsection, the court shall find a person is indigent  
46 if the person's income and resources do not exceed one  
47 hundred fifty percent of the federal poverty level or  
48 the person would be unable to pay such costs without  
49 prejudicing the person's financial ability to provide  
50 economic necessities for the person or the person's

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1 dependents."

H-3642A

2 13. Page 4, by striking lines 17 and 18 and  
3 inserting the following:  
4 "In a proceeding for the appointment of a guardian,  
5 the proposed ward shall be given written".  
6 14. Page 4, line 32, by inserting after the word  
7 "rights." the following: "In an involuntary  
8 guardianship proceeding, the notice shall be served  
9 upon the proposed ward with the notice of the filing  
10 of the petition as provided in section 633.554. In a  
11 proceeding for appointment of a guardian on a  
12 voluntary petition, the notice shall be served upon  
13 the proposed ward prior to the appointment of a  
14 guardian."  
15 15. Page 4, by striking lines 33 and 34 and  
16 inserting the following:  
17 "Sec. 10. Section 633.575, subsections 2 and 3,  
18 Code 1989, are".

H—3642B

19 16. Page 5, by inserting after line 5 the  
20 following:  
21 "3. If the proposed ward is entitled to  
22 representation and is indigent or incapable of  
23 requesting counsel, the court shall appoint an  
24 attorney to represent the proposed ward. The cost of  
25 court appointed counsel for indigents, and any court  
26 costs that are waived pursuant to section 633.672,  
27 shall be assessed against the county in which the  
28 proceedings are pending. For the purposes of this  
29 subsection, the court may find a person is indigent if  
30 the person's income and resources do not exceed one  
31 hundred fifty percent of the federal poverty level or  
32 the person would be unable to pay such costs without  
33 prejudicing the person's financial ability to provide  
34 economic necessities for the person or the person's  
35 dependents."

H—3642A

36 17. Page 5, by striking lines 8 and 9, and  
37 inserting the following:  
38 "In a proceeding for the appointment of a  
39 conservator, the proposed ward shall be given  
40 written".  
41 18. Page 5, line 10, by striking the words "a  
42 notice" and inserting the following: "notice".  
43 19. Page 5, line 23, by inserting after the word  
44 "rights." the following: "In an involuntary  
45 conservatorship proceeding, the notice shall be served  
46 upon the proposed ward with the notice of the filing  
47 of the petition as provided in section 633.568. In a  
48 proceeding for appointment of a conservator on a  
49 voluntary petition, the notice shall be served upon  
50 the proposed ward prior to the appointment of a

**Page 3**

1 conservator."  
2 20. Page 5, line 32, by inserting after the word  
3 "proceedings," the following: "except where the  
4 petitions are combined,".

Speaker Avenson in the chair at 5:36 p.m.

On motion by McKinney of Dallas, amendment H—3642A was adopted.

McKinney of Dallas moved the adoption of amendment H—3642B.

Roll call was requested by Maulsby of Calhoun and Carpenter of Polk.

On the question "Shall amendment H—3642B be adopted?"  
(H.F. 585)

The ayes were, 49:

Adams	Beatty	Bisignano	Black
Blanshan	Brand	Buhr	Cohoon
Connolly	Doderer	Dvorsky	Fey
Groninga	Halvorson, R. N.	Hammond	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Spear
Svoboda	Swartz	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 45:

Banks	Beaman	Bennett	Branstad
Brown	Carpenter	Chapman	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Jesse	Kistler
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Shoultz	Siegrist
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 6:

Arnould	Brammer	Connors	Fuller
Stromer	Tabor		

Amendment H—3642B was adopted.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H—3425 filed by her on March 16, 1989.

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. 585)

The ayes were, 77:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
De Groot	Diemer	Doderer	Dvorsky
Fey	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 19:

Banks	Beaman	Branstad	Daggett
Eddie	Garman	Halvorson, R. A.	Harbor
Hester	Kistler	Maulsby	Mertz
Pellett	Renken	Royer	Stromer
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 4:

Brammer	Connors	Fogarty	Fuller
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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 637**, a bill for an act relating to the access of confidential information collected by the department of employment services, 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. 637)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Connors	Fuller	Hansen, S. D.	Hatch
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 664**, a bill for an act relating to the fine for certain violations regarding motor vehicles of excessive size or weight, 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. 664)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland

Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Connors	Fuller	Hermann	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 420**, a bill for an act authorizing the board of supervisors to review and remand a decision of the board of adjustment, 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?" (H.F. 420)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller

Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 1:

Teaford

Absent or not voting, 4:

Connors                  Fuller                  Hatch                  Jesse

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 465**, a bill for an act relating to public improvements, by authorizing counties to create special assessment districts in areas of the county outside cities, or, by agreement, within cities for certain public improvements, to assess the cost of the improvements to the benefited property within the districts, to issue special assessment bonds for the improvements, to establish and collect rates and charges to maintain and operate the improvements, and to enter into joint agreements with cities and other counties for these purposes, and by providing an effective date, with report of committee recommending passage was taken up for consideration.

Hatch of Polk offered the following amendment H—3602 filed by him and moved its adoption:

H—3602

- 1 Amend House File 465 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 331.402, subsection 3, Code
- 5 1989, is amended to read as follows:
- 6 3. A county may enter into loan agreements to
- 7 borrow money for any public purpose in accordance with
- 8 the terms and procedures set forth in section 384.24A,
- 9 and the references in that subsection to cities are
- 10 applicable to counties, the reference to section
- 11 384.25 is applicable to section 331.443, and the
- 12 references to the council are applicable to the board.
- 13 However, notwithstanding the total amount of
- 14 outstanding loan agreements authorized pursuant to

15 section 384.24A, a board shall not authorize, on or  
 16 after the effective date of this Act, any loan  
 17 agreement which would result in the total principal  
 18 amounts of all loan agreements in force on the date of  
 19 the authorization to exceed ten percent of the last  
 20 certified general fund budget of the county.”

Amendment H—3602 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. 465)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Connors Fuller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 619**, a bill for an act establishing scheduled violations relating to the regulation of open containers and public consumption of alcoholic beverages, and providing penalties, was taken up for consideration.

Spear of Lee offered the following amendment H – 3440 filed by him and moved its adoption:

H – 3440

- 1 Amend House File 619 as follows:
- 2 1. Page 2, line 21, by inserting after the word
- 3 "vehicles," the following: "the scheduled fine is
- 4 fifty dollars,".

A non-record roll call was requested.

The ayes were 43, nays 15.

Amendment H – 3440 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. 619)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer

Stueland  
Teaford  
Wise

Svoboda  
Trent  
Mr. Speaker  
Avenson

Swartz  
Tyrrell

Tabor  
Van Maanen

The nays were, none.

Absent or not voting, 2:

Connors Fuller

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 mortgage brokers and mortgage bankers, was taken up for consideration.

Kremer of Buchanan offered the following amendment H—3434 filed by him:

H—3434

- 1 Amend House File 645 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "state." the following: "However, a natural person
- 4 who services less than twenty first mortgage loans on
- 5 residential real estate within the state and who does
- 6 not sell or transfer first mortgage loans, is exempt
- 7 from this paragraph."

Kremer of Buchanan offered the following amendment H—3637, to amendment H—3434 filed by him and moved its adoption:

H—3637

- 1 Amend the amendment, H—3434, to House File 645, as
- 2 follows:
- 3 1. Page 1, by striking lines 4 through 7, and
- 4 inserting the following: "who services less than
- 5 fifteen first mortgage loans on residential real
- 6 estate within the state and who does not sell or
- 7 transfer first mortgage loans, is exempt from this
- 8 paragraph if that person is otherwise exempt from the
- 9 provisions of this chapter."
- 10 2. Page 1, by inserting after line 7 the
- 11 following:
- 12 "\_\_\_\_\_. Page 1, by inserting after line 4 the
- 13 following:
- 14 "Sec. \_\_\_\_\_. Section 535B.1, subsection 4, Code
- 15 1989, is amended by adding the following new
- 16 unnumbered paragraph:
- 17 NEW UNNUMBERED PARAGRAPH. "Natural person" means
- 18 an individual who is not an association, joint
- 19 venture, or joint stock company, partnership, limited

- 20 partnership, business corporation, nonprofit  
 21 corporation, other business entity, or any other group  
 22 of individuals or business entities, however  
 23 . organized.””

Amendment H—3637 was adopted.

On motion by Kremer of Buchanan, amendment H—3434, as amended, was adopted.

Jesse of Jasper offered the following amendment H—3641 filed by him and moved its adoption:

H—3641

- 1 Amend House File 645 as follows:  
 2 1. Page 2, line 6, by inserting after the word  
 3 “banker.” the following: “The bond shall be  
 4 continuous in nature until canceled by the surety with  
 5 not less than thirty days’ notice in writing to the  
 6 mortgage broker or mortgage banker and to the  
 7 administrator indicating the surety’s intention to  
 8 cancel the bond on a specific date.”

Amendment H—3641 was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 645)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poney	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Connors                      Fuller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 707**, a bill for an act relating to canteen funds at state institutions, 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?" (H.F. 707)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Chapman                      Connors                      Fuller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 699**, a bill for an act relating to the state public defender and the appointment of a state appellate defender, 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?" (H.F. 699)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Connors                      Doderer                      Fuller                      Haverland  
Spear                      Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTIONS TO RECONSIDER

(House File 100)

I move to reconsider the vote by which House File 100 failed to pass the House on March 29, 1989.

HATCH of Polk

(House File 585)

I move to reconsider the vote by which House File 585 passed the House on March 29, 1989.

KREMER of Buchanan

(House File 619)

I move to reconsider the vote by which House File 619 passed the House on March 29, 1989.

JAY of Appanoose

(House File 685)

I move to reconsider the vote by which House File 685 failed to pass the House on March 29, 1989.

HANSEN of Woodbury

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the morning of March 22 and the afternoon of March 28, 1989. Had I been present, I would have voted "aye" on House Files 533, 550, 127, 473, 644, 647, 468, 379, 643, 579, 655 and 714.

McKINNEY of Dallas

I was necessarily absent from the House chamber on Tuesday, March 28, 1989. Had I been present, I would have voted "aye" on House File 459.

OLLIE of Clinton

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-four fifth grade students from West Marshall Elementary School, State Center, accompanied by Carol Eddy. By Black of Jasper.

Thirty-five high school students from West Burlington High School, West Burlington, accompanied by Ron Teater. By Cohoon of Des Moines.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 437

Energy and Environmental Protection: Shultz, Chair; Dvorsky, Garman, Hanson of Delaware, Jesse, May and Siegrist.

##### Senate File 488

Energy and Environmental Protection: Osterberg, Chair; Bisignano and McKean.

#### 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 79**, a bill for an act relating to the certificate of need program.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3684** March 28, 1989.

#### AMENDMENTS FILED

H-3682	H.F.	715	Koenigs of Mitchell
H-3683	H.F.	749	Spear of Lee
H-3684	S.F.	79	Committee on Human Resources
H-3685	H.F.	741	Shearer of Louisa
H-3686	H.F.	744	Stromer of Hancock
H-3687	H.F.	641	Hammond of Story
H-3688	H.F.	744	Stromer of Hancock
H-3689	H.F.	715	Dvorsky of Johnson
H-3690	H.F.	715	Van Maanen of Mahaska
H-3691	S.F.	52	Daggett of Adams
H-3696	H.F.	735	Blanshan of Greene
H-3697	S.F.	369	Peterson of Carroll Harbor of Mills
H-3698	H.F.	688	Peterson of Carroll

H—3699	H.F.	584	Svoboda of Tama
H—3702	H.F.	698	Peterson of Carroll
H—3703	H.F.	720	Adams of Hamilton
			Gruhn of Dickinson
			Bisignano of Polk
			Dvorsky of Johnson
			De Groot of Lyon
			Trent of Muscatine
H—3704	H.F.	5	Tyrrell of Iowa
H—3705	H.F.	740	McKean of Jones
			Clark of Cerro Gordo
H—3706	S.F.	224	Brown of Lucas
H—3707	S.F.	124	Eddie of Buena Vista
H—3708	H.F.	744	Halvorson of Clayton
H—3709	H.F.	723	Fey of Scott
			Muhlbauer of Crawford
			Branstad of Winnebago
			Johnson of Winneshiek
			Black of Jasper
			Osterberg of Linn
H—3710	H.F.	723	McKean of Jones
			Fey of Scott
			Johnson of Winneshiek
			Connolly of Dubuque
H—3711	H.F.	732	Svoboda of Tama
			Van Maanen of Mahaska
H—3712	H.F.	705	Swartz of Marshall
H—3713	H.F.	686	Jesse of Jasper
			Bennett of Ida
			Lykam of Scott
			Metcalf of Polk
			Ollie of Clinton

On motion by Arnould of Scott, the House adjourned at 6:18 p.m., until 9:00 a.m., Thursday, March 30, 1989.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 30, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Gary Hollers, pastor of the Church of Christ, Rockwell City.

The Journal of Wednesday, March 29, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Beaman of Clarke from two hundred five residents of District 91.

By Beatty of Warren from thirteen constituents of District 68.

By Gruhn of Dickinson from two hundred twenty constituents.

By Hibbard of Madison from fifty-five intemperate constituents of Stuart.

By Kistler of Jefferson from one hundred thirteen residents of District 63.

By Pellett of Cass from ninety-two constituents of District 97.

## MEMORIAL COMMITTEE APPOINTED

Speaker Avenson announced the appointment of the following members to serve on the memorial committee in accordance with House Concurrent Resolution 4: The Honorable Robert Fuller, Chair; the Honorable Tom Miller, the Honorable Mark Shearer and the Honorable Don Shoning.

## SPECIAL PRESENTATION

Continuing the observance of Women's History Month, Nielsen of Linn presented to the House the following members of the Iowa Women's Hall of Fame: Twila Parker Lummer (elected to the Hall of Fame in 1988); Mary Grefe (elected to the Hall of Fame in 1980); Gwendolyn Fowler (elected to the Hall of Fame in 1987); Ruth Anderson

(elected to the Hall of Fame in 1982); Peg Anderson (elected to the Hall of Fame in 1982); and Jeanne Smith (elected to the Hall of Fame in 1982).

The House rose and expressed its welcome.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 729**, a bill for an act relating to insurance coverage for health care services, requiring that coverage be made available for care provided by certain registered nurses, providing for direct payment, modifying provisions relating to preferred providers, and providing for data collection and utilization review, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3614 filed by him and moved its adoption:

H—3614

1 Amend House File 729 as follows:

2 1. Page 1, line 21, by inserting after the word  
3 "organization" the following: ", which organization  
4 shall be identified by the Iowa board of nursing  
5 pursuant to rules adopted by the board,".

6 2. Page 2, line 15, by inserting after the word  
7 "services" the following: "determined to be medically  
8 necessary".

9 3. Page 2, line 16, by inserting after the word  
10 "organization" the following: ", which organization  
11 shall be identified by the Iowa board of nursing  
12 pursuant to rules adopted by the board,".

13 4. Page 3, by inserting after line 3 the  
14 following:

15 "Sec. \_\_\_\_\_. Section 514.21, Code 1989, is amended  
16 to read as follows:

17 514.21 UTILIZATION REVIEW PROGRAM.

18 A utilization review program shall be established  
19 for purposes of health care cost control, according to  
20 usual and customary third-party insurance payment or  
21 reimbursement procedures, by a corporation subject to  
22 this chapter and by physician providers as defined in  
23 section 135.1 and registered nurse providers licensed  
24 under chapter 152. This utilization review program  
25 shall not be used directly or indirectly to circumvent  
26 the provisions for payment or reimbursement to  
27 providers of health care services as provided in  
28 section 509.3, ~~subsection~~ subsections 7 and 8, and  
29 section 514.7."

30 5. Page 3, line 10, by inserting after the word

31 "services" the following: "determined to be medically  
 32 necessary".  
 33 6. Page 3, line 11, by inserting after the word  
 34 "organization" the following: ", which organization  
 35 shall be identified by the Iowa board of nursing  
 36 pursuant to rules adopted by the board,".

Amendment H—3614 was adopted.

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. 729)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Connors	Doderer	Hibbard
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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 723**, a bill for an act relating to the implementation of a program for integrated roadside vegetation management, including the crediting of moneys to the living roadway trust fund, and providing an effective date, was taken up for consideration.

Fey of Scott offered the following amendment H—3709 filed by Fey, et al., and moved its adoption:

H—3709

1 Amend House File 723 as follows:

2 1. Page 12, by inserting before line 20, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 317.5, Code 1989, is amended to  
5 read as follows:

6 317.5 WEEDS IN ABANDONED CEMETERIES.

7 The commissioner shall spray control the weeds  
8 growing in abandoned cemeteries in the county as often  
9 as needed to keep said weeds under control."

10 2. Page 12, by inserting after line 33 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 317.13, Code 1989, is amended  
13 to read as follows:

14 317.13 PROGRAM OF CONTROL.

15 The board of supervisors of each county may each  
16 year, upon recommendation of the county weed  
17 commissioner by resolution prescribe and order a  
18 program of weed destruction control for purposes of  
19 complying with all sections of this chapter. The  
20 county board of supervisors of each county may also by  
21 adopting an integrated roadside vegetation management  
22 plan prescribe and order a program of weed control for  
23 purposes of complying with all sections of this  
24 chapter.

25 Sec. \_\_\_\_\_. Section 317.18, Code 1989, is amended to  
26 read as follows:

27 317.18 ORDER FOR DESTRUCTION ON ROADS.

28 The board of supervisors may order all noxious  
29 weeds, within the right-of-way of all county trunk and  
30 local county roads to be cut, burned or otherwise  
31 destroyed controlled to prevent seed production,  
32 either upon its own motion or upon receipt of written  
33 notice requesting the action from any residents of the  
34 township in which the roads are located, or any person  
35 regularly using the roads. The order shall be  
36 consistent with the county integrated roadside  
37 vegetation management plan, if the county has adopted  
38 such a plan, and the order shall define the roads  
39 along which noxious weeds are required to be cut,  
40 burned or otherwise destroyed controlled and shall  
41 require the weeds to be cut, burned or otherwise

42 ~~destroyed~~ controlled within fifteen days after the  
 43 publication of the order in the official newspapers of  
 44 the county or as prescribed in the county's integrated  
 45 roadside vegetation management plan.  
 46 Sec. \_\_\_\_\_. Section 317.19, Code 1989, is amended to  
 47 read as follows:  
 48 317.19 ROAD CLEARING APPROPRIATION.  
 49 The board of supervisors may appropriate moneys to  
 50 be used for the purposes of cutting, burning, or

**Page 2**

1 otherwise ~~destroying~~ controlling weeds or brush within  
 2 the right-of-way of county trunk roads and local  
 3 county roads in time to prevent reseeding or in a  
 4 manner consistent with the county's roadside  
 5 vegetation management plan, if the county has adopted  
 6 such a plan.  
 7 The board of supervisors may purchase or hire  
 8 necessary equipment or contract with the adjoining  
 9 landowner to carry out this section."  
 10 3. Title page, line 2, by inserting after the  
 11 word "management" the following: "and weed control".

Amendment H—3709 was adopted.

McKean of Jones offered the following amendment H—3710 filed  
 by McKean, et al.:

H—3710

1 Amend House File 723 as follows:  
 2 1. Page 12, by inserting after line 19 the fol-  
 3 lowing:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 314.23 ENVIRONMENTAL  
 5 PROTECTION.  
 6 It is declared to be in the general public welfare  
 7 of Iowa and a highway purpose that highway  
 8 maintenance, construction, reconstruction, and repair  
 9 shall protect and preserve, by not causing unnecessary  
 10 destruction, the natural or historic heritage of the  
 11 state. In order to provide for the protection and  
 12 preservation, the following shall be accomplished in  
 13 the design, construction, reconstruction, relocation,  
 14 repair, or maintenance of roads, streets, and  
 15 highways:  
 16 1. WOODLANDS. Woodland removed shall be replaced  
 17 by plantings as close as possible to the initial site,  
 18 or by acquisition of an equal amount of woodland in  
 19 the general vicinity for public ownership and  
 20 preservation, or by other mitigation deemed to be  
 21 comparable to the woodland removed, including, but not  
 22 limited to, the improvement, development, or

23 preservation of woodland under public ownership.  
 24 2. WETLANDS. Wetland removed shall be replaced by  
 25 acquisition of wetland, in the same general vicinity  
 26 if possible, for public ownership and preservation, or  
 27 by other mitigation deemed to be comparable to the  
 28 wetland removed, including, but not limited to, the  
 29 improvement, development, or preservation of wetland  
 30 under public ownership.

31 3. PUBLIC PARKS. Highways, streets, and roads  
 32 constructed on or through publicly owned lands  
 33 comprising parks, preserves, or recreation areas,  
 34 shall be located and designed, in consultation with  
 35 the public entity owning the land, so as to blend  
 36 aesthetically with the areas and to minimize noise.  
 37 When land is taken from the areas for highway  
 38 construction and, if, in consultation with the public  
 39 entity owning the land, mitigation is deemed  
 40 necessary, the land shall be replaced by an equal or  
 41 greater amount for public use, or by other mitigation,  
 42 undertaken in consultation with the public entity own-  
 43 ing the land, and deemed to be appropriate to the  
 44 amount of land taken, including, but not limited to,  
 45 the improvement, development, or preservation of the  
 46 areas.

47 4. PRIME AGRICULTURAL LANDS. Topsoil removed may  
 48 be utilized for landscaping and other necessary  
 49 construction. Excess topsoil shall be made available  
 50 to the former landowner or other landowners whose land

**Page 2**

- 1 was purchased for the construction or others, and if  
 2 not acquired by one of these parties, it may be  
 3 disposed of.”  
 4 2. By renumbering sections as necessary.

Koenigs of Mitchell rose on a point of order that amendment H—3710 was not germane.

The Speaker ruled the point well taken and amendment H—3710 not germane.

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. 723)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad

Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Petersen, D. F.

Absent or not voting, 5:

Connors	Doderer	Hermann	Hibbard
Stromer			

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 585)

Kremer of Buchanan called up for consideration the motion to reconsider House File 585, filed on March 29, 1989, and moved to reconsider the vote by which House File 585, a bill for an act relating to guardians and conservators, by providing for notice to proposed wards, formation of state and local emergency medical boards, immunity from liability, waiver of filing fees and costs, training of guardians and conservators, and implementation of a representative payee project, passed the House and was placed on its last reading on March 29, 1989.

A non-record roll call was requested.

The ayes were 56, nays none.

The motion prevailed and the House reconsidered House File 585.

Kremer of Buchanan asked and received unanimous consent to reconsider the vote by which amendment H—3642A, found on pages 1096 through 1098 of the House Journal, was adopted by the House on March 29, 1989.

Kremer of Buchanan asked and received unanimous consent to reconsider the vote by which amendment H—3642B, found on pages 1097 and 1098 of the House Journal, was adopted by the House on March 29, 1989.

Kremer of Buchanan offered amendment H—3717, to amendment H—3642, filed by him from the floor and requested division as follows:

H—3717

- 1 Amend the amendment, H—3642, to House File 585 as
- 2 follows:

H—3717A

- 3 1. Page 1, by striking lines 31 through 34.

H—3717B

- 4 2. Page 1, by striking line 35 through page 2,
- 5 line 1.

H—3717A

- 6 3. Page 2, by striking lines 15 through 18.

H—3717B

- 7 4. Page 2, by striking lines 19 through 35.

Kremer of Buchanan moved the adoption of amendment H—3717A, to amendment H—3642A, which motion prevailed.

On motion by McKinney of Dallas, amendment H—3642A, as amended, was adopted.

The House resumed consideration of amendment H—3642B.

Kremer of Buchanan moved the adoption of amendment H—3717B, to amendment H—3642B, which motion prevailed.

On motion by McKinney of Dallas, amendment H—3642B, as amended, 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. 585)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Connors	Doderer	Hibbard	Osterberg
Plasier	Stromer		

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 File 531)

Tabor of Jackson asked and received unanimous consent to withdraw the motion to reconsider House File 531, a bill for an act relating to agricultural landholdings by corporations, trusts, and limited partnerships, making penalties applicable, and providing dates for compliance, filed by him on March 23, 1989.

**House File 719**, a bill for an act relating to the elimination of the environmental protection commission, was taken up for consideration.

Wise of Lee in the chair at 10:54 p.m.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 719)

The ayes were, 51:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Tabor	Teaford	Wise	
		Presiding	

The nays were, 48:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schneklloth
Shearer	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Trent	Tyrrell	Van Maanen

Absent or not voting, 1:

Connors

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 11:59 a.m.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 420, 430, 465, 637, 645, 664, 699 and 707.

**MOTION TO RECONSIDER LOST**  
(House File 719)

Arnould of Scott moved to reconsider the vote by which House File 719, a bill for an act relating to the elimination of the environmental protection commission, passed the House on March 30, 1989.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall the motion to reconsider prevail?"  
(H.F. 719)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shearer	Shoning
Siegrist	Spenner	Stromer	Trent
Tyrrell	Van Maanen		

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker
			Avenson

Absent or not voting, 6:

Brand	Connors	Kistler	Mertz
Osterberg	Stueland		

The motion to reconsider lost.

**MOTION TO RECONSIDER WITHDRAWN**  
(House File 684)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 684, a bill for an act relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state, filed by him on March 27, 1989.

On motion by Arnould of Scott, the House was recessed at 12:06 p.m., until 3:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**SENATE MESSAGE CONSIDERED**

**Senate File 479**, by committee on agriculture, a bill for an act directing the Code editor to transfer various chapters and sections of the Code relating to the authority to regulate drainage to a new chapter.

Read first time and referred to committee on **agriculture**.

**QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 677**, a bill for an act relating to written credit agreements between a creditor and debtor and rights of action on that agreement, was taken up for consideration.

Halvorson of Clayton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 677)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon

Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 6:

Branstad	Maulsby	Renken	Stromer
Svoboda	Van Maanen		

Absent or not voting, 3:

Black	Connors	Hermann
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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 665**, a bill for an act authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes, was taken up for consideration.

Spear of Lee offered the following amendment H—3526 filed by him and moved its adoption:

H—3526

- 1 Amend House File 665 as follows:
- 2 1. Page 1, line 4, by striking the words "the
- 3 patients" and inserting the following: "the
- 4 patients".
- 5 2. Page 1, line 5, by striking the word "or".

A non-record roll call was requested.

The ayes were 63, nays 1.

Amendment H—3526 was adopted.

Tabor of Jackson moved that the bill be read a last time now and

placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 665)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Black                      Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 725**, a bill for an act relating to the administration of small estates, 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. 725)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Black	Connors	Hermann	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 584**, a bill for an act relating to the establishment of an Iowa foundation for international research to secure trade, and providing an effective date, was taken up for consideration.

Svoboda of Tama offered the following amendment H—3581 filed by her and moved its adoption:

H—3581

- 1 Amend House File 584 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "financial" the following: "institution".
- 4 2. Page 1, by striking lines 16 through 18.
- 5 3. Page 1, lines 19 and 20, by striking the words
- 6 "Iowa foundation for international research to secure"
- 7 and inserting the following: "international network
- 8 on".

- 9 4. Page 1, by inserting after line 20 the  
10 following:  
11 "\_\_\_\_\_. "INTERNET" means the International network  
12 on trade as established in section 18B.3."  
13 5. Page 2, line 2, by striking the word  
14 "FOUNDATION" and inserting the following: "INTERNET".  
15 6. Page 2, by striking line 4, and inserting the  
16 following: "The international network on".  
17 7. Page 2, lines 10 and 11, by striking the words  
18 "the foundation" and inserting the following:  
19 "INTERNET".  
20 8. Page 2, line 15, by striking the words "The  
21 foundation" and inserting the following: "INTERNET".  
22 9. Page 2, line 16, by striking the words "The  
23 foundation" and inserting the following: "INTERNET".  
24 10. Page 2, by striking line 20, and inserting  
25 the following: "The international network on".  
26 11. Page 2, lines 21 and 22, by striking the  
27 words "The foundation" and inserting the following:  
28 "INTERNET".  
29 12. Page 2, line 31, by striking the words "the  
30 foundation" and inserting the following: "INTERNET".  
31 13. Page 3, by striking line 1, and inserting the  
32 following:  
33 "1. INTERNET".  
34 14. Page 3, line 2, by striking the words "secure  
35 trade".  
36 15. Page 3, line 20, by striking the words "the  
37 foundation" and inserting the following: "INTERNET".  
38 16. Page 3, line 25, by striking the word  
39 "foundation" and inserting the following: "INTERNET".  
40 17. Page 3, line 31, by striking the word  
41 "foundation" and inserting the following: "INTERNET".  
42 18. Page 4, line 11, by striking the word  
43 "foundation" and inserting the following: "INTERNET".  
44 19. Page 4, line 14, by striking the words "of  
45 the foundation".  
46 20. Page 5, line 26, by striking the word  
47 "FOUNDATION" and inserting the following: "INTERNET".  
48 21. Page 5, line 27, by striking the words "The  
49 foundation" and inserting the following: "INTERNET".  
50 22. Page 5, line 34, by striking the figure "280"

**Page 2**

- 1 and inserting the following: "280A".  
2 23. Page 6, line 1, by striking the words "a  
3 foundation" and inserting the following: "an  
4 INTERNET".  
5 24. Page 6, line 22, by striking the words "the  
6 foundation" and inserting the following: "INTERNET".  
7 25. Page 7, line 10, by striking the word

- 8 "foundation" and inserting the following: "INTERNET".  
9 26. Page 7, line 16, by striking the words "the  
10 foundation" and inserting the following: "INTERNET".  
11 27. Page 7, lines 17 and 18, by striking the  
12 words "the foundation, foundation" and inserting the  
13 following: "INTERNET, INTERNET".  
14 28. Page 7, line 23, by striking the words "the  
15 foundation" and inserting the following: "INTERNET".  
16 29. Page 7, line 27, by striking the words "the  
17 foundation" and inserting the following: "INTERNET".  
18 30. Page 7, line 31, by striking the words "the  
19 foundation," and inserting the following: "INTERNET".  
20 31. Page 7, line 32, by striking the word  
21 "foundation" and inserting the following: "INTERNET".  
22 32. Page 8, lines 9 and 10, by striking the words  
23 "the foundation" and inserting the following:  
24 "INTERNET".  
25 33. Page 8, line 12, by striking the words "the  
26 foundation" and inserting the following: "INTERNET".  
27 34. Page 8, line 16, by striking the word  
28 "foundation" and inserting the following: "INTERNET".  
29 35. Page 8, line 17, by striking the words "the  
30 foundation" and inserting the following: "INTERNET".  
31 36. Page 8, line 19, by striking the words "the  
32 foundation" and inserting the following: "INTERNET".  
33 37. Page 8, line 21, by striking the words "the  
34 foundation" and inserting the following: "INTERNET".  
35 38. Page 9, line 12, by striking the word  
36 "foundation" and inserting the following: "INTERNET".  
37 39. Page 9, lines 14 and 15, by striking the  
38 words "the foundation" and inserting the following:  
39 "INTERNET".  
40 40. Page 9, lines 18 and 19, by striking the  
41 words "the foundation" and inserting the following:  
42 "INTERNET".  
43 41. Page 9, lines 21 and 22, by striking the  
44 words "the foundation. The board shall use  
45 foundation" and inserting the following: "INTERNET.  
46 The board shall use INTERNET".  
47 42. Page 9, line 26, by striking the word  
48 "foundation" and inserting the following: "INTERNET".  
49 43. Page 9, line 27, by striking the word  
50 "foundation" and inserting the following: "INTERNET".

**Page 3**

- 1 44. Page 9, line 32, by striking the words "the  
2 foundation" and inserting the following: "INTERNET".  
3 45. Page 10, line 1, by striking the words "the  
4 foundation" and inserting the following: "INTERNET".  
5 46. Page 10, line 7, by striking the words "the  
6 foundation" and inserting the following: "INTERNET".

- 7 47. Page 10, line 8, by striking the word  
 8 "foundation" and inserting the following: "INTERNET".  
 9 48. Page 10, line 9, by striking the words "the  
 10 foundation," and inserting the following:  
 11 "INTERNET;"
- 12 49. Page 10, lines 10 and 11, by striking the  
 13 words "the foundation" and inserting the following:  
 14 "INTERNET".
- 15 50. Page 10, lines 16 and 17, by striking the  
 16 words "the foundation" and inserting the following:  
 17 "INTERNET".
- 18 51. Page 10, line 30, by striking the words "the  
 19 foundation" and inserting the following: "INTERNET".
- 20 52. Page 10, lines 32 and 33, by striking the  
 21 words "IOWA FOUNDATION FOR INTERNATIONAL RESEARCH TO  
 22 SECURE" and inserting the following: "INTERNATIONAL  
 23 NETWORK ON".
- 24 53. Page 10, lines 34 and 35, by striking the  
 25 words "Iowa foundation for international research to  
 26 secure" and inserting the following: "international  
 27 network on".
- 28 54. Title page, lines 1 and 2, by striking the  
 29 words "Iowa foundation for international research to  
 30 secure" and inserting the following: "international  
 31 network on".
- 32 55. By renumbering as necessary.

Amendment H—3581 was adopted.

Svoboda of Tama offered the following amendment H—3699 filed by her and moved its adoption:

H—3699

- 1 Amend House File 584 as follows:  
 2 1. Page 1, by inserting after line 28, the  
 3 following:  
 4 "\_\_\_\_\_. Successful participation in international  
 5 trade depends upon public agencies reaching out to  
 6 provide special assistance to small and medium sized  
 7 businesses interested in beginning or increasing the  
 8 export of Iowa products."  
 9 2. Page 8, by inserting after line 26, the  
 10 following:  
 11 "\_\_\_\_\_. To provide special assistance to small and  
 12 medium sized businesses interested in beginning or  
 13 increasing the export of Iowa products."  
 14 3. Page 11, line 31, by striking the words  
 15 "nonelected members and" and inserting the following:  
 16 "appointed members of the board".  
 17 4. Page 11, by striking lines 32 and 33, and  
 18 inserting the following: "in conjunction with the

- 19 members of the world trade institute study committee  
 20 established pursuant to 1987 Acts, chapter 141,  
 21 section 8, shall have all powers and duties".  
 22 5. Page 11, line 35, by inserting after the word  
 23 "rules." the following: "The organizing board shall  
 24 be chaired by the chairperson of the world trade  
 25 institute study committee. The organizing board shall  
 26 be staffed by the legislative service bureau. The  
 27 interdisciplinary working group on international  
 28 business may cooperate by assisting the organizing  
 29 board."  
 30 6. Page 12, line 6, by striking the word  
 31 "INTERNATIONAL" and inserting the following: "WORLD".  
 32 7. Page 12, line 8, by striking the word  
 33 "international" and inserting the following: "world".  
 34 8. Page 12, line 13, by striking the word  
 35 "international" and inserting the following: "world".  
 36 9. By renumbering as necessary.

Amendment H—3699 was adopted.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer House File 584 to the committee on appropriations.

The Speaker ruled the point not well taken and Rule 32 not in order.

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. 584)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKinney	Mertz	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shultz

Siegrist	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 11:

Banks	Bennett	Kistler	Kremer
Maulsby	McKean	Miller	Renken
Spanner	Stueland	Tyrrell	

Absent or not voting, 2:

Connors	Hatch
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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 PREVAILED (House File 685)

Hansen of Woodbury called up for consideration the motion to reconsider House File 685, filed on March 29, 1989, and moved to reconsider the vote by which House File 685, a bill for an act relating to the acquisition of an interest in a bank located in Iowa or a bank holding company located in Iowa owning or controlling one or more banks in Iowa by an out-of-state bank holding company, failed to pass the House and was placed on its last reading on March 29, 1989.

A non-record roll call was requested.

The ayes were 54, nays 42.

The motion prevailed and House File 685 was reconsidered.

Holveck of Polk moved to reconsider the vote by which amendment H—3676, found on pages 1083 and 1084 of the House Journal, was adopted by the House on March 29, 1989, which motion prevailed.

Holveck of Polk offered the following amendment H—3729, to amendment H—3676, filed by him from the floor and moved its adoption:

H—3729

- 1 Amend the amendment H—3676, to House File 685, as
- 2 follows:
- 3 1. Page 1, by striking lines 39 through 42.
- 4 2. By renumbering as necessary.

Amendment H—3729 was adopted.

On motion by Hansen of Woodbury, amendment H—3676, as amended, was adopted.

The following amendment H—3730 filed by Hansen of Woodbury from the floor was adopted by unanimous consent:

H—3730

- 1 Amend House File 685 as follows:
- 2 1. Title page, line 4, by inserting after the
- 3 word "applicable" the words "and providing penalties".

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 685)

The ayes were, 51:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Diemer	Fey
Groninga	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Jay	Jesse	Jochum	Lundby
Lykam	Metcalf	Muhlbauer	Nielsen
Ollie	Pavich	Peters	Poncy
Renaud	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spenner	Swartz	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 48:

Banks	Beaman	Bennett	Blanshan
Brand	Branstad	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Hibbard
Holveck	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Maulsby
May	McKean	McKinney	Mertz
Miller	Neuhauser	Osterberg	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Royer	Spear	Stromer	Stueland
Svoboda	Tabar	Tyrrell	Van Maanen

Absent or not voting, 1:

Connors

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 685)

Arnould of Scott asked and received unanimous consent to immediately message House File 685 to the Senate.

Shultz of Black Hawk in the chair at 4:40 p.m.

**House File 720**, a bill for an act relating to joint financing of public works and facilities under chapter 28F, was taken up for consideration.

Adams of Hamilton offered the following amendment H—3703 filed by Adams, et al.:

H—3703

1 Amend House File 720 as follows:  
2 1. Page 1, by striking lines 1 through 8 and  
3 inserting the following:  
4 "Sec. \_\_\_\_\_. Section 28F.1, unnumbered paragraphs 1  
5 and 2, Code 1989, are 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 28E is  
24 comprised solely of cities, counties, and sanitary  
25 districts established under chapter 358, or any  
26 combination thereof or any combination of the  
27 foregoing with other public agencies, the entity shall  
28 be both a corporation and a political subdivision with  
29 the name under which it was organized. The legal  
30 entity may sue and be sued, contract, acquire and hold  
31 real and personal property necessary for corporate  
32 purposes, adopt a corporate seal and alter the seal at  
33 pleasure, and execute all the powers conferred in this  
34 chapter.

35 A city shall not join an entity created under this  
36 chapter 28E for the purpose of financing electric  
37 power facilities unless that city had established a  
38 municipal electric utility as of July 1, 1984 1995.  
39 Power supplied by a ~~municipal power agency~~ an entity  
40 created under chapter 28E for the purpose of financing  
41 electric power facilities shall not be furnished to a  
42 municipal utility not existing as of July 1, 1984  
43 1995."

44 2. Page 1, by inserting before line 9, the  
45 following:

46 "Sec. \_\_\_\_\_. Section 28F.1, unnumbered paragraphs 3  
47 and 4, Code 1989, are amended to read as follows:

48 After July 1, 1981, a city shall not join an entity  
49 created under ~~this chapter or any separate~~  
50 ~~administrative or legal entity created pursuant to~~

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1 chapter 28E for the purpose of utilizing the  
2 provisions of this chapter for financing electric  
3 power facilities ~~until the proposal for the city to~~  
4 ~~join such an entity has been submitted to and approved~~  
5 ~~by the voters of the city without first causing a~~  
6 notice to be published at least once in a newspaper of  
7 general circulation within the city at least ten days  
8 prior to the meeting at which the city is proposed to  
9 take such action, and holding a public hearing on the  
10 question.

11 The proposal shall may be submitted at any city  
12 election by the council on its own motion. If at any  
13 time before the date fixed for the hearing, a petition  
14 is filed with the clerk of the city in the manner  
15 provided by section 362.4, asking that the question of  
16 joining the entity be submitted to the qualified  
17 electors of the city, the governing body shall either  
18 by resolution declare the proposal to enter into the  
19 joint entity to have been abandoned or shall cause the  
20 proposal to be submitted by the council at any city  
21 election. If a majority of those voting in the city  
22 does not approve the proposal, the same or a similar  
23 proposal may be considered by the governing body or  
24 submitted to the voters no sooner than one year from  
25 the date of the election at which the proposal was  
26 defeated."

27 3. Page 1, by inserting before line 9 the  
28 following:

29 "Sec. \_\_\_\_\_. Section 28F.1, Code 1989, is amended by  
30 adding the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. A member city of an  
32 entity created under chapter 28E for the purpose of  
33 financing electric facilities may withdraw from

34 membership in or contractual relations with the  
 35 entity, after assumption by another eligible party  
 36 approved by the governing body of the entity, of the  
 37 city's outstanding obligations to the entity."

38 4. Page 1, by inserting before line 9 the  
 39 following:

40 "Sec. \_\_\_\_\_. Section 28F.5, unnumbered paragraph 3,  
 41 Code 1989, is amended to read as follows:

42 In order to pay the rates, tolls, fees, rentals or  
 43 other charges levied against a public agency by an  
 44 entity for the payment of the services and facilities  
 45 provided by a project or projects authorized by this  
 46 chapter, public agencies participating in such an  
 47 agreement shall have the power by ordinance to fix,  
 48 establish and maintain, rates or other charges for the  
 49 use of and the services and facilities rendered by  
 50 said project or projects. Such rates or charges may

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1 be so fixed, established and maintained and revised  
 2 from time to time whenever necessary as will always  
 3 provide such public agencies with sufficient revenue  
 4 to pay the rates, tolls, fees, rentals or other  
 5 charges levied against it by the entity for the  
 6 payments of the services and facilities provided by  
 7 said project or projects. All such rates or charges  
 8 to be paid by the owners of real property, if not paid  
 9 as by the ordinance provided, when due, shall  
 10 constitute a lien upon such real property served by  
 11 such project or projects, and shall be collected in  
 12 the same manner as general taxes."

13 5. Page 1, line 13, by striking the words "city  
 14 utility board" and inserting the following:  
 15 "governing body of a municipal utility which is not a  
 16 member of the entity".

17 6. Page 1, line 17, by striking the words "city  
 18 utility board" and inserting the following: "utility  
 19 governing body".

20 7. Title page, line 2, by striking the word  
 21 "chapter" and inserting the following: "chapters 28E  
 22 and".

Plasier of Sioux offered the following amendment H-3720, to  
 amendment H-3703, filed by him from the floor and moved its  
 adoption:

**H-3720**

1 Amend the amendment, H-3703, to House File 720 as  
 2 follows:

3 1. Page 1, line 17, by inserting after the word  
 4 "systems," the following: "natural gas facilities".

Amendment H—3720 was adopted.

Arnould of Scott asked and received unanimous consent that House File 720 be deferred and that the bill retain its place on the calendar.

(Amendment H—3703, as amended, pending.)

The House stood at ease at 4:58 p.m., until the fall of the gavel.

The House resumed session at 5:01 p.m., Shoultz of Black Hawk in the chair.

**House File 26**, a bill for an act limiting the criminal and civil liability of certain persons who are responsible for the treatment and care of the mentally ill, with report of committee recommending passage 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. 26)

The ayes were, 98:

Arnould	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Shoultz		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Adams                      Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 721**, a bill for an act enacting the quad cities interstate metropolitan authority compact, 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?" (H.F. 721)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Shoultz	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 728**, a bill for an act relating to official publications by amending rates for county publication of board proceedings, by reducing the specific information required in county care facility inventory publications, by permitting division of the delinquent tax list for publication, by establishing a minimum type size, by reducing publication fees when publication is not timely made, and by eliminating the requirement for publication of notice of textbook purchase, was taken up for consideration.

Speaker Avenson in the chair at 5:21 p.m.

Halvorson of Webster in the chair at 5:29 p.m.

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. 728)

The ayes were, 80:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Carpenter	Chapman	Clark	Cphoon
Connolly	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renken	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Wise	Halvorson, R. N. Presiding

The nays were, 17:

Beatty	Bisignano	Buhr	Corbett
Doderer	Hammond	Harper	Hatch
Haverland	Holveck	Lageschulte	Metcalf
Neuhauser	Renaud	Rosenberg	Teaford
Van Maanen			

Absent or not voting, 3:

Connors	Pellett	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 355**, a bill for an act relating to travel agents and agencies by providing for licensing and regulation, and providing for fees and penalties, with report of committee recommending amendment and passage was taken up for consideration.

Knapp of Dubuque offered the following amendment H—3448 filed by the committee on state government and moved its adoption:

H—3448

- 1 Amend House File 355 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION. 120.1 DEFINITIONS.**
- 5 1. "Applicant" means a person applying for
- 6 registration under this chapter.
- 7 2. "Customer" means a person who is offered or who
- 8 purchases travel services.
- 9 3. "Initial solicitation" means the first contact
- 10 initiated by the travel agency or travel agent by
- 11 mail, telephone, or other form of telecommunication,
- 12 of a person with whom the travel agency does not have
- 13 a previous travel services provider-customer
- 14 relationship.
- 15 4. "Registrant" means a person registered pursuant
- 16 to this chapter.
- 17 5. "Secretary" means the secretary of state.
- 18 6. "Travel agency" means a person who represents,
- 19 directly or indirectly, that the person is offering or
- 20 undertaking by any means or method, to provide travel
- 21 services for a fee, commission, or other valuable
- 22 consideration, direct or indirect.
- 23 7. "Travel agent" means a person employed by a
- 24 travel agency whose principal duties include
- 25 consulting with and advising persons concerning travel
- 26 arrangements or accommodations.
- 27 8. "Travel services" means arranging or booking
- 28 vacation or travel packages, travel reservations or
- 29 accommodations, tickets for domestic or foreign travel
- 30 by air, rail, ship, bus, or other medium of
- 31 transportation, or hotel or other lodging
- 32 accommodations. Travel services include travel
- 33 related prizes or awards for which the customer must
- 34 pay a fee or, in connection with the prize or award,
- 35 expend moneys for the direct or indirect monetary
- 36 benefit of the person making the award, in order for
- 37 the customer to collect or enjoy the benefits of the
- 38 prize or award.

39 Sec. 2. NEW SECTION. 120.2 REGISTRATION  
40 REQUIRED.

41 1. a. A travel agency doing business in this  
42 state shall register with the secretary of state as a  
43 travel agency if it or its travel agent conducts the  
44 initial solicitation of an Iowa resident by mail,  
45 telephone, or other form of telecommunications.

46 b. A travel agency required to register under  
47 paragraph "a" shall not permit a travel agent employed  
48 by the travel agency to do business in this state  
49 unless the agency has filed the required registration  
50 statement.

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1 2. A travel agent shall not knowingly do business  
2 in this state unless and until the travel agency  
3 employing the travel agent has registered with the  
4 secretary of state as a travel agency if the travel  
5 agency or any of the agency's travel agents conduct  
6 the initial solicitation of an Iowa resident by mail,  
7 telephone, or other form of telecommunications.

8 3. This section does not require registration for,  
9 or prohibit, solicitation by mail or  
10 telecommunications of a person with whom the travel  
11 agency has a previous travel services provider-  
12 customer relationship, having previously arranged  
13 travel related services for that customer on at least  
14 one prior occasion.

15 4. "Doing business" in this state, for purposes of  
16 this chapter, means any of the following:

17 a. Offering to sell or selling travel services, if  
18 the offer is made or received within the state.

19 b. Offering to arrange, or arranging, travel  
20 services for a fee or commission, direct or indirect,  
21 if the offer is made or received in this state.

22 c. Offering to, or awarding travel services as a  
23 prize or award, if the offer or award is made in or  
24 received in this state.

25 5. An applicant shall complete the registration  
26 statement form provided by the secretary. The  
27 registration statement must be accompanied by the  
28 required bond or evidence of financial responsibility  
29 and the registration fee. The registration statement  
30 shall include all of the following:

31 a. The name and signature of an officer or partner  
32 of a business entity or the names and signatures of  
33 the principal owner and operator if the agency is a  
34 sole proprietorship.

35 b. The name, address, and telephone number of the  
36 applicant and the name of all travel agents employed  
37 by the applicant travel agency.

38 c. The name, address, and telephone number of any  
39 person who owns or controls, directly or indirectly,  
40 ten percent or more of the applicant.

41 d. If the applicant is a foreign corporation or  
42 business, the name and address of the corporation's  
43 agent in this state for service of process.

44 e. A copy of all solicitation materials to be used  
45 or proposed for use within the state.

46 f. Any additional information required by rule  
47 adopted by the secretary pursuant to chapter 17A.

48 The application shall be accompanied by a written  
49 irrevocable consent to service of process. The  
50 consent must provide that actions in connection with

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1 doing business in this state may be commenced against  
2 the registrant in the proper jurisdiction in this  
3 state in which the cause of action may arise, or in  
4 which the plaintiff may reside, by service of process  
5 on the secretary as the registrant's agent and  
6 stipulating and agreeing that such service of process  
7 shall be taken and held in all courts to be as valid  
8 and binding as if service of process had been made  
9 upon the person according to the laws of this or any  
10 other state. The consent to service of process shall  
11 be in such form and supported by such additional  
12 information as the secretary may by rule require.

13 An annual registration fee as established by the  
14 secretary by rule is required at the time the  
15 registration statement is filed with the secretary,  
16 and on or before the anniversary date of the effective  
17 date of registration for each subsequent year. The  
18 registration fee shall be established at a rate deemed  
19 reasonably necessary by the secretary to support the  
20 administration of this chapter. If a registrant fails  
21 to pay the annual registration fee, the registration  
22 lapses and becomes ineffective.

23 A registrant shall submit to the secretary  
24 corrections to the information supplied in the  
25 registration statement, within ninety days of a change  
26 in facts or circumstances, which facts or  
27 circumstances would be required to be reported in the  
28 initial registration statement.

29 The secretary may revoke or suspend a registration  
30 for cause subject to the contested case provisions of  
31 chapter 17A.

### 32 Sec. 3. NEW SECTION. 120.3 EVIDENCE OF FINANCIAL 33 SECURITY.

34 1. An application for a travel agency must be  
35 accompanied by a surety or cash performance bond in  
36 conformity with rules adopted by the secretary in the

37 principal amount of ten thousand dollars. The bond  
38 shall be issued by a bond company approved to issue  
39 bonds in this state by the commissioner of insurance.

40 2. The bond shall be payable to the state for the  
41 use and benefit of either:

42 a. A person who is injured by the fraud,  
43 misrepresentation, or financial failure of the travel  
44 agency or a travel agent employed by the travel  
45 agency.

46 b. The state on behalf of a person or persons  
47 under paragraph "a".

48 The bond shall be conditioned such that the  
49 registrant will pay any judgment recovered by a person  
50 in a court of this state in a suit for actual damages,

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1 including reasonable attorney's fees, or for  
2 rescission or other equitable relief, resulting from a  
3 cause of action involving the sale or offer of sale of  
4 travel services. The bond shall be open to successive  
5 claims, but the aggregate amount of the claims paid  
6 shall not exceed the principal amount of the bond.

7 3. If a registrant has contracted with the  
8 airlines reporting corporation or the passenger  
9 network services corporation, or similar organizations  
10 approved by the secretary of state with equivalent  
11 bonding requirements for participation, in lieu of the  
12 bond required by subsection 1, the registrant may file  
13 with the secretary a certified copy of the official  
14 approval and appointment of the applicant from the  
15 airlines reporting corporation or the passenger  
16 network services corporation.

17 4. In lieu of any bond or guarantee required to be  
18 provided by this section, a registrant may do any of  
19 the following:

20 a. File with secretary proof of professional  
21 liability and errors and omissions insurance in an  
22 amount of at least one million dollars annually.

23 b. Deposit with the secretary cash, securities, or  
24 a statement from a federally insured financial  
25 institution guaranteeing the performance of the  
26 registrant up to a maximum of ten thousand dollars to  
27 be held or applied to the purposes to which the  
28 proceeds of the bond would otherwise be applied.

29 Sec. 4. NEW SECTION. 120.4 PENALTIES.

30 1. a. A person required to register as a travel  
31 agency, or an owner of ten percent or more of a travel  
32 agency, required to register by this chapter, which  
33 fails to register, fails to make required corrections  
34 to its registration statement, or fails to pay the  
35 required fee on or before thirty days after the fee

36 becomes due, commits a serious misdemeanor.  
 37 b. A person who is a travel agent employed by a  
 38 travel agency which fails to register or which fails  
 39 to include the travel agent in the registration  
 40 statement or a subsequent correction, commits a simple  
 41 misdemeanor if that person initially solicits a  
 42 resident of this state by mail or telecommunications,  
 43 knowing that the travel agency has failed to perform  
 44 any act required by this chapter.  
 45 2. If a person required to be registered or listed  
 46 upon a registration statement by this chapter receives  
 47 money, as a fee, commission, compensation, or profit  
 48 in connection with doing business in this state in  
 49 violation of section 120.2, the person, in addition to  
 50 the criminal penalty in subsection 1, shall be liable

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1 for a civil penalty of not less than three times the  
 2 sum so received, as may be determined by the court,  
 3 which penalty may be recovered in a court of competent  
 4 jurisdiction by an aggrieved person, or by the  
 5 attorney general for the benefit of an aggrieved  
 6 person or class of persons.

7 3. A violation of this chapter is also a violation  
 8 of section 714.16.

9 **Sec. 5. NEW SECTION. 120.5 EXEMPTIONS.**

10 1. This chapter does not apply to:

11 a. A bona fide employee of a travel agency who is  
 12 engaged solely in the business of the agency, and  
 13 whose principal duties do not include consulting with  
 14 and advising persons concerning travel arrangements or  
 15 accommodations.

16 b. A direct common carrier of passengers or  
 17 property regulated by an agency of the federal  
 18 government or employees of a common carrier when  
 19 engaged solely in the transportation business of the  
 20 carrier as identified in the carrier's certificate.

21 2. A travel agency is subject to this chapter,  
 22 notwithstanding that the customer's name was obtained  
 23 from the customer as part of a promotion where the  
 24 customer signed up to receive a sales presentation or  
 25 to enter a drawing for a prize prior to the initial  
 26 solicitation. These activities do not constitute a  
 27 previous travel services provider-customer  
 28 relationship."

29 2. Title page, line 2, by striking the word  
 30 "licensing" and inserting the following:  
 31 "registration".

The committee amendment H—3448 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. 355)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Halvorson, R. N.	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Connors

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker Avenson in the chair at 5:49 p.m.

### MOTIONS TO RECONSIDER (House File 26)

I move to reconsider the vote by which House File 26 passed the House on March 30, 1989.

BENNETT of Ida

## (House File 725)

I move to reconsider the vote by which House File 725 passed the House on March 30, 1989.

STROMER of Hancock

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 30, 1989, he approved and transmitted to the Secretary of State the following bill:

Senate File 96, an act extending the existence of the Iowa health data commission, prohibiting contracting in cases of conflicts of interest, and providing requirements regarding the installation of computerized severity of illness systems.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 27, and Tuesday, March 28, 1989. Had I been present, I would have voted "aye" on House Files 459, 477, 496, 581, 623, 631, 638, 650, 684, 687, 689, 692, 693, 709, 714, 717, amendment H-3634 to House File 703, and House File 703; amendments H-3313, H-3608, H-3609 and H-3610 to House File 49; and "nay" on House Files 49, 660, 670 and 713.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on Wednesday afternoon, March 29, 1989. Had I been present, I would have voted "aye" on House Files 420, 465, 585, 619, 637, 645, 664, 699 and 707; and "nay" on House File 685.

FULLER of Hardin

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five Senior students from Belle Plaine High School, Belle Plaine, accompanied by Jeff Henderson, Todd Bohlen, Charmaine Wickwire and Barb Towlie. By Brand of Benton.

Twenty students from Titonka Consolidated School District, Titonka, accompanied by Mrs. Hanson. By Branstad of Winnebago.

Forty student council members from Holmes Junior High School, Cedar Falls. By Diemer of Black Hawk.

SUBCOMMITTEE ASSIGNMENTS

House File 200

Appropriations: Hammond, Chair; Buhr and Carpenter.

House File 443

Ways and Means: Connolly, Chair; Metcalf and Teaford.

House File 708

Ways and Means: Groninga, Chair; Connolly, Osterberg, Petersen of Muscatine and Schnekloth.

House File 710

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

House File 718

Appropriations: Hammond, Chair; Buhr and Carpenter.

House File 743

Appropriations: Knapp, Chair; Carpenter and Hatch.

Senate Joint Resolution 9

State Government: Peterson of Carroll, Chair; Blanshan and Van Maanen.

Senate File 14 (Reassigned)

State Government: Renaud, Chair; Doderer and Tyrrell.

Senate File 321

State Government: Peterson of Carroll, Chair; Buhr, Doderer, Lundby and Tyrrell.

Senate File 365

State Government: Halvorson of Webster, Chair; Hanson of Delaware and Pavich.

Senate File 371

State Government: Halvorson of Webster, Chair; Connors, Garman, Hanson of Delaware, Knapp, Pavich, Renken and Teaford.

Senate File 407

State Government: Peterson of Carroll, Chair; Lundby and Pavich.

Senate File 466

Economic Development: Cohoon, Chair; Bennett and Brand.

AMENDMENTS FILED

H-3715	H.F.	740	Rosenberg of Story
H-3716	H.F.	730	Peterson of Carroll
H-3718	H.F.	705	Swartz of Marshall
H-3719	H.F.	620	Chapman of Linn

H-3721	H.F.	641	Hammond of Story
H-3722	H.F.	705	Bennett of Ida
H-3723	H.F.	686	Metcalf of Polk Jesse of Jasper
H-3724	H.F.	715	Maulsby of Calhoun
H-3725	H.F.	282	Schrader of Marion
H-3726	H.F.	688	Rosenberg of Story
H-3727	S.F.	365	Halvorson of Webster
H-3728	H.F.	724	Jay of Appanoose
H-3731	H.F.	46	Halvorson of Webster Harbor of Mills Hanson of Delaware Teaford of Black Hawk Renken of Grundy Pavich of Pottawattamie
H-3732	S.F.	46	Halvorson of Clayton Sherzan of Polk Black of Jasper Johnson of Winneshiek Diemer of Black Hawk
H-3733	S.F.	186	Doderer of Johnson Tabor of Jackson
H-3734	H.F.	720	Chapman of Linn Hanson of Delaware Haverland of Polk
H-3735	H.F.	720	Jay of Appanoose Fogarty of Palo Alto
H-3736	H.F.	720	Fogarty of Palo Alto Black of Jasper
H-3737	H.F.	720	May of Worth Siegrist of Pottawattamie
H-3738	H.F.	100	Hatch of Polk

On motion by Arnould of Scott, the House adjourned at 5:51 p.m., until 9:00 a.m., Friday, March 31, 1989.

# JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 31, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Michael Peters, state representative from Woodbury County.

The Journal of Thursday, March 30, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Kistler of Jefferson from fifty-five residents of House District 63.

By Pellett of Cass from twenty-four Cass County constituents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page on request of Corbett of Linn; Siegrist of Pottawattamie, until his arrival, on request of Peterson of Carroll; Adams of Hamilton, until her return, on request of Brammer of Linn; Holveck of Polk, until his arrival, on request of Hammond of Story.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 81, a bill for an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties.

Also: That the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 157, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

Also: That the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 256, a bill for an act relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction.

Also: That the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

Also: That the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 295, a bill for an act relating to school bus driver education requirements.

Also: That the Senate has on March 29, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 490, a bill for an act relating to the sale, lease, rental, or advertising of water treatment systems.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 688**, a bill for an act relating to the protection of children, by providing for the grounds and procedures for child in need of assistance and termination of parental rights proceedings, was taken up for consideration.

Peterson of Carroll offered the following amendment H-3698 filed by him and moved its adoption:

H-3698

- 1 Amend House File 688 as follows:
- 2 1. Page 1, by striking lines 10 through 13 and
- 3 inserting the following: "particular period of time."
- 4 2. Page 1, by inserting after line 13 the fol-
- 5 lowing:
- 6 "Sec. \_\_\_\_\_. Section 232.2, subsection 6, paragraph
- 7 a, Code 1989, is amended to read as follows:
- 8 a. Whose parent, guardian or other custodian has
- 9 abandoned or deserted the child."
- 10 3. Page 1, line 22, by striking the words "one
- 11 year" and inserting the following: "six months".
- 12 4. Page 1, by striking lines 25 and 26 and
- 13 inserting the following: "intention to desert, but is
- 14 evidenced by the lack of attempted contact with the
- 15 child or by only incidental contact with the".
- 16 5. Page 2, line 1, by inserting after the word
- 17 "petition" the following: "; under certain
- 18 circumstances,".
- 19 6. Page 3, by striking lines 7 through 9 and

20 inserting the following: "the circumstance continues  
21 to exist despite the offer or receipt of services."

22 7. Page 4, by striking lines 30 through 32 and  
23 inserting the following:

24 "(2) There is clear and convincing evidence that  
25 the circumstances surrounding the abuse or neglect of  
26 the child, despite the receipt of services,  
27 constitutes an unacceptable risk".

28 8. Page 6, by striking lines 1 through 10 and  
29 inserting the following:

30 "Sec. \_\_\_\_\_. Section 232.116, subsection 2, Code  
31 1989, is amended by adding the following new  
32 paragraph:

33 NEW PARAGRAPH. c. For a child who has been placed  
34 in foster family care, any relevant testimony or  
35 written statement provided by the child's foster  
36 parents."

37 9. Page 6, line 20, by inserting after the word  
38 "order," the following: "and every forty-five days  
39 thereafter until the court determines such reports are  
40 no longer necessary,".

41 10. By renumbering as necessary.

Amendment H—3698 was adopted.

Rosenberg of Story offered the following amendment H—3726  
filed by him:

H—3726

- 1 Amend House File 688 as follows:
- 2 1. Page 2, by striking lines 2 through 11.
- 3 2. Page 4, by striking lines 24 through 33.
- 4 3. By renumbering as necessary.

Teaford of Black Hawk in the chair at 10:15 a.m.

Rosenberg of Story moved the adoption of amendment H—3726.

A non-record roll call was requested.

The ayes were 31, nays 48.

Amendment H—3726 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. 688)

## The ayes were, 84:

Arnould	Avenson, Spkr.	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Schneklloth	Shearer	Sherzan
Shoning	Shoultz	Spear	Spenner
Stromer	Stueland	Swartz	Trent
Tyrrell	Van Maanen	Wise	Teaford
			Presiding

## The nays were, 9:

Banks	Branstad	Daggett	Hanson, D. R.
Koenigs	Maulsby	Rosenberg	Schrader
Svoboda			

## Absent or not voting, 7:

Adams	Black	Connors	Holveck
Royer	Siegrist	Tabor	

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 10:45 a.m.

**House File 722**, a bill for an act relating to infectious waste management, was taken up for consideration.

Bisignano of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H-3743 filed by him from the floor as follows:

H-3743

- 1 Amend House File 722 as follows:
- 2 1. Page 2, by striking lines 1 through 4 and in-
- 3 serting the following:

4 "2. The department, in cooperation with the Iowa  
5 department of public health, shall submit an interim  
6 report to the general assembly by January 15, 1990,  
7 with a final report to be submitted by January 15,  
8 1991, which includes all of the following:".

On motion by Bisignano of Polk, amendment H-3743 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. 722)

The ayes were, 95:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shultz	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Adams	Connors	Holveck	Royer
Siegrist			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 572**, a bill for an act relating to the payment for uniform citation and complaint forms, was taken up for consideration.

Banks of Plymouth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 572)

The ayes were, 70:

Arnould	Banks	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Clark	Cphoon
Connolly	Daggett	De Groot	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hatch	Haverland	Hermann
Hester	Hibbard	Jesse	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Ollie
Osterberg	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renken
Schnekloth	Shearer	Shoultz	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 24:

Beatty	Brown	Buhr	Carpenter
Chapman	Corbett	Diemer	Doderer
Dvorsky	Groninga	Hammond	Hansen, S. D.
Harper	Jay	Knapp	Lundby
Nielsen	Pavich	Renaud	Rosenberg
Sherzan	Shoning	Svoboda	Teaford

Absent or not voting, 6:

Adams	Connors	Holveck	Royer
Schrader	Siegrist		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 735**, a bill for an act relating to enhanced 911 emergency telephone communications systems, was taken up for consideration.

Blanshan of Greene offered the following amendment H—3696 filed by him and moved its adoption:

H—3696

- 1 Amend House File 735 as follows:
- 2 1. Page 4, line 22, by inserting after the word
- 3 "shall" the following: "not".
- 4 2. Page 4, by inserting after line 32, the
- 5 following:
- 6 "Sec. \_\_\_\_\_. APPLICABILITY. Section 3 of this Act
- 7 is applicable to all referendums approved by either a
- 8 county board of supervisors or a joint 911 service
- 9 board, or both, on or after July 1, 1989. Section 3
- 10 is not applicable to a referendum approved prior to
- 11 July 1, 1989, notwithstanding that the actual
- 12 referendum election or balloting is conducted on or
- 13 after July 1, 1989."
- 14 3. Title page, line 2, by inserting after the
- 15 word "systems" the following: ", and providing for
- 16 the Act's applicability".
- 17 4. By renumbering as necessary.

Amendment H—3696 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. 735)

The ayes were, 92:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Spear

Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Adams	Connors	Hatch	Holveck
Plasier	Royer	Shoultz	Siegrist

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 686**, a bill for an act establishing a science and technology foundation, was taken up for consideration.

Jesse of Jasper offered the following amendment H—3713 filed by Jesse, et al., and moved its adoption:

H—3713

1 Amend House File 686 as follows:

2 1. Page 1, line 3, by striking the words

3 "LEGISLATIVE FINDINGS." and inserting the following:

4 "IOWA SCIENCE AND TECHNOLOGY FOUNDATION ESTABLISHED —  
5 MISSION."

6 2. Page 1, line 6, by striking the words

7 "economy, which will require" and inserting the

8 following: "economy. An Iowa science and technology

9 foundation is established to formulate and implement

10 plans and programs for the development of advanced

11 sciences and technologies and to facilitate their com-

12 mercial application within the state, including

13 determining the needs of individual Iowa businesses

14 for scientific and technological innovations to

15 improve products and processes, and encouraging the

16 transfer of the technology from the laboratory to the

17 factory.

18 The mission of the foundation shall include but is

19 not limited to the following".

20 3. Page 1, by inserting before line 7 the follow-

21 ing:

22 "\_\_\_\_\_. A program to identify barriers which may  
23 hinder the development and exploitation of technology  
24 in the global economy."

25 4. Page 1, line 13, by inserting after the word

26 "in" the following: "applied".

27 5. Page 1, line 18, by striking the words "out

28 and match the" and inserting the following: "and".

29 6. Page 1, line 19, by striking the words "needs

30 of individual Iowa businesses to".

- 31 7. Page 1, by striking lines 22 through 34.  
32 8. Page 1, line 35, by striking the figure "2."  
33 9. Page 1, line 35, by inserting after the word  
34 "directors," the following: "an advisory council,".  
35 10. Page 2, lines 15 and 16, by striking the  
36 words "of the state university consortia" and  
37 inserting the following: "state university's  
38 consortium appointed by the president of each state  
39 university".  
40 11. Page 2, lines 17 and 18, by inserting after  
41 the word "development" the following: "or the  
42 director's designee".  
43 12. Page 2, by striking lines 23 through 27 and  
44 inserting the following: "velopment in private  
45 industry. The five board members shall be appointed  
46 from a list of candidates provided by the Iowa  
47 business council which shall include persons in small  
48 business manufacturing and persons in large business  
49 manufacturing. Three of the five members shall be  
50 appointed by the legislative council and two of the

**Page 2**

- 1 members shall be appointed by the governor."  
2 13. Page 2, line 29, by striking the word  
3 "research" and inserting the following: "advisory".  
4 14. Page 2, by striking line 31 and inserting the  
5 following:  
6 "(1) Four board members, with one board member  
7 appointed by each of the following".  
8 15. Page 3, by striking lines 1 and 2 and  
9 inserting the following:  
10 "(3) One board member appointed by a foreign trade  
11 foundation if such a foundation is established by  
12 enactment of the Seventy-third General Assembly."  
13 16. Page 3, line 5, by striking the word "six"  
14 and inserting the following: "four".  
15 17. Page 3, line 9, by inserting after the word  
16 "foundation." the following: "The governor and the  
17 legislative council shall convene the initial meeting  
18 of the board."  
19 18. Page 3, by inserting before line 15 the  
20 following:  
21 "\_\_\_\_\_. To prepare and adopt a strategic plan as  
22 defined in section 28.157.  
23 \_\_\_\_\_. To fund research projects as defined in-  
24 section 28.158."  
25 19. Page 4, by inserting before line 3 the  
26 following:  
27 "\_\_\_\_\_. To convene the advisory council annually to  
28 receive the board of director's recommendations."

29 20. Page 4, by striking line 3 and inserting the  
30 following:

31 "\_\_\_\_\_. To establish an advisory committee of  
32 business or academic specialists as necessary."

33 21. Page 4, by inserting before line 7 the  
34 following:

35 "\_\_\_\_\_. To collaborate with the Iowa product  
36 development corporation to acquire new technology  
37 where appropriate."

38 22. Page 4, by striking lines 13 and 14.

39 23. Page 4, line 32, by inserting after the word  
40 "activities" the following: "and receive copies of  
41 the annual report made pursuant to section 262B.5".

42 24. By striking page 4, line 35, through page 5,  
43 line 4, and inserting the following:

44 "6. Collect pertinent information on research in  
45 process and funding requests where appropriate at Iowa  
46 state university of science and technology, the  
47 university of Iowa, and the university of northern  
48 Iowa for the purpose of encouraging technology  
49 transfer where appropriate."

50 25. Page 5, by inserting before line 18 the

### Page 3

1 following:

2 "\_\_\_\_\_. The plan shall include findings and  
3 recommendations for the coordination of activities of  
4 technology centers operated by regents' universities,  
5 the center for industrial research and service, the  
6 small business development centers, and programs of  
7 the department of economic development, all of which  
8 shall cooperate with the foundation in formulation of  
9 the plan."

10 26. Page 5, by striking lines 18 through 21.

11 27. Page 5, line 30, by inserting after the word  
12 "firms." the following: "The plan shall include the  
13 availability and possible acquisition of advanced  
14 technology nationally and internationally for transfer  
15 to Iowa technological projects."

16 28. By striking page 5, line 31, through page 6,  
17 line 2, and inserting the following:

18 "5. The plan shall be formulated to provide for  
19 the strengthening and expansion of existing industry,  
20 the creation of new business where deemed necessary  
21 and feasible, and the attraction of technology-based  
22 businesses to the state."

23 29. Page 6, line 3, by striking the word  
24 "PROJECTS" and inserting the following: "ACTIVITIES".

25 30. Page 6, line 8, by striking the word  
26 "technology" and inserting the following:  
27 "commercial".

28 31. Page 6, by striking lines 11 through 14 and  
29 inserting the following: "private firm. The  
30 foundation shall provide a peer review process for  
31 projects and research funded by the foundation."  
32 32. Page 6, lines 18 and 19, by striking the  
33 words ", projects, services," and inserting the  
34 following: "services".  
35 33. Page 6, by striking lines 28 and 29.  
36 34. Page 6, line 35, by inserting after the word  
37 "plan." the following: "State funds awarded by the  
38 foundation shall be matched by nonstate sources. The  
39 foundation shall establish by administrative rule the  
40 requirements for the matching of state funds by  
41 nonstate sources. The rules shall include but are not  
42 limited to the following nonstate sources for meeting  
43 the matching requirements:  
44 a. Laboratory space provided by the private sector  
45 collaborator.  
46 b. Financial assistance.  
47 c. Personnel and technical services.  
48 d. Machinery or equipment."  
49 35. Page 7, lines 3 and 4, by striking the words  
50 ", however it may contract with such federal sources

**Page 4**

1 only".  
2 36. Page 7, by striking lines 16 through 22 and  
3 inserting the following:  
4 "5. The foundation shall coordinate with other  
5 state and federal entities the following activities:  
6 a. The establishment of funding for the projects  
7 under subsection 1.  
8 b. The review of current research policy  
9 direction.  
10 c. The provision of technical outreach services to  
11 existing Iowa business and industry.  
12 The foundation may sponsor applications of or  
13 formally recommend specific projects to any private,  
14 state, federal, or local program."  
15 37. Page 7, line 24, by striking the word  
16 "RESEARCH" and inserting the following: "ADVISORY".  
17 38. Page 7, by striking lines 25 through 35 and  
18 inserting the following:  
19 "1. There is established within the science and  
20 technology foundation an advisory council. The  
21 advisory council shall study and review the growth of  
22 technology in the world economy. The council shall  
23 annually review the foundation's strategic plan in  
24 conjunction with federal research policy and the  
25 federal research policy's effect on research in Iowa.  
26 The council shall advise the board on the most

27 productive role for Iowa in the areas of science and  
 28 technology with an emphasis on determining Iowa's  
 29 strengths in technology."

30 39. Page 8, by striking lines 4 through 9 and  
 31 inserting the following:

32 "b. Three members appointed by the legislative  
 33 council from a list of candidates provided by the Iowa  
 34 business council.

35 c. Three members appointed by the governor from a  
 36 list of candidates provided by the Iowa business  
 37 council."

38 40. Page 8, by inserting before line 10 the  
 39 following:

40 "e. One member from each of the following:

41 (1) The national science foundation.

42 (2) The national institute of health.

43 (3) Any other appropriate federal agency as the  
 44 foundation deems appropriate."

45 41. Page 8, by striking lines 12 through 17 and  
 46 inserting the following:

47 "Sec. \_\_\_\_\_. Section 262B.4, subsection 2, Code  
 48 1989, is amended by adding the following new  
 49 paragraph:

50 NEW PARAGRAPH. e. Provide applied technical

**Page 5**

1 referral services, if appropriate, including but not  
 2 limited to the following duties:

3 (1) To determine and evaluate the research or  
 4 applied technology needs of businesses requesting  
 5 assistance.

6 (2) To recommend technology transfer strategies to  
 7 businesses for developing and testing new products,  
 8 adapting new technologies to manufacturing processes  
 9 or methods, conducting marketing analyses of new  
 10 products or processes, and identifying potential  
 11 financing on new technology-based products or  
 12 manufacturing processes.

13 (3) To refer businesses to universities, community  
 14 colleges, small business development centers, other  
 15 private businesses, and other research and technology  
 16 transfer activities and programs which are beneficial  
 17 to the development of new products and the application  
 18 of technology."

19 42. Page 8, by inserting after line 19 the  
 20 following:

21 "Sec. \_\_\_\_\_. Sections 1 and 12 of this Act are  
 22 effective July 1, 1990."

23 43. Title page, line 1, by inserting after the  
 24 word "foundation" the following: "and providing an  
 25 effective date".

26 44. By renumbering and correcting internal  
27 references as necessary.

Amendment H—3713 was adopted.

Metcalf of Polk offered the following amendment H—3723 filed by her and Jesse of Jasper:

H—3723

1 Amend House File 686 as follows:  
2 1. Page 1, by inserting before line 25 the  
3 following:  
4 "7. A study of the need for a seed capital fund  
5 which shall be administered by the board to provide  
6 seed capital for the commercialization of products, or  
7 the development of processes or materials through  
8 research at Iowa colleges and universities or by  
9 private industry. The study shall include  
10 recommendations."

The following amendment H—3750, to amendment H—3723, filed by Metcalf of Polk from the floor was adopted by unanimous consent:

H—3750

1 Amend the amendment H—3723, to House File 686  
2 as follows:  
3 1. Page 1, line 2, by striking the numerals  
4 "25" and inserting the numerals "22".

On motion by Metcalf of Polk, amendment H—3723, as amended, was adopted.

Jesse of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 686)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp

Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poney
Renaud	Renken	Rosenberg	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Beatty	Bennett	Connors	Harbor
Royer	Siegrist		

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:

Beatty of Warren on request of Spear of Lee.

**House File 556**, a bill for an act relating to increasing the penalty and providing for attorney fees for failure to acknowledge satisfaction of a mortgage within thirty days, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3383 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3383

- 1 Amend House File 556 as follows:
- 2 1. Page 1, line 7, by inserting after the word
- 3 "satisfied" the following: "in full".

The committee amendment H—3383 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?" (H.F. 556)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Beatty	Connors	Royer	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 282**, a bill for an act relating to the effective date for the provision of tax incentives for the sale and use of degradable bags used as point-of-sale packaging, with report of committee recommending passage was taken up for consideration.

Schrader of Marion offered the following amendment H-3725 filed by him and moved its adoption:

H-3725

- 1 Amend House File 282 as follows:
- 2 1. Page 1, line 11, by inserting after the figure
- 3 "1990." the following: "This section does not require
- 4 that the secretary of agriculture make a determination
- 5 of the degradability of each individual point-of-sale
- 6 packaging product listed pursuant to section 422.45,

7 prior to establishing an effective date under this  
8 section."

Amendment H—3725 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. 282)

The ayes were, 68:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Chapman	Cphoon	Connolly	Daggett
De Groot	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Muhlbauer
Nielsen	Osterberg	Pavich	Peters
Poncy	Renaud	Rosenberg	Schrader
Shearer	Shoning	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Van Maanen	Mr. Speaker
			Avenson

The nays were, 24:

Buhr	Carpenter	Clark	Corbett
Diemer	Garman	Hanson, D. R.	Harper
Hermann	Jesse	Knapp	Metcalf
Miller	Neuhauser	Ollie	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Renken
Schnekloth	Shultz	Stueland	Wise

Absent or not voting, 8:

Beatty	Connors	Groninga	Koenigs
Royer	Sherzan	Siegrist	Tyrrell

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:

Koenigs of Mitchell, for the remainder of the day, on request of Muhlbauer of Crawford.

**House File 740**, a bill for an act relating to obscenity law, providing penalties, and making penalties applicable, was taken up for consideration.

McKean of Jones offered the following amendment H—3705 filed by him:

H—3705

1 Amend House File 740 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 728.1, subsection 1, Code 1989,  
5 is amended to read as follows:

6 1. "Obscene material" is any material depicting or  
7 describing the genitals, sex acts, masturbation,  
8 excretory functions or sadomasochistic abuse which the  
9 average person, taking the material as a whole and  
10 applying contemporary community standards with respect  
11 to what is suitable material for minors, would find  
12 appeals to the prurient interest and is patently  
13 offensive; and the material, taken as a whole, lacks  
14 serious literary, scientific, political or artistic  
15 value. "Harmful material" means any material that  
16 meets all of the following conditions:

17 a. Taken as a whole, the average person, applying  
18 contemporary community standards, would find the  
19 material to have a tendency to excite lustful or  
20 erotic thoughts in minors or appeal to the prurient  
21 interest of minors in sex.

22 b. (1) Depicts a sex act, excretory functions,  
23 sadomasochistic abuse, or lascivious exhibition of the  
24 genitals, buttocks, or female breast.

25 (2) The depiction is in a way that is patently  
26 offensive to prevailing standards in the adult  
27 community with respect to what is suitable for minors.

28 c. A reasonable person would find, taken as a  
29 whole, the material lacks serious literary, artistic,  
30 political, or scientific value."

31 2. Page 1, by inserting after line 18 the  
32 following:

33 "Sec. \_\_\_\_\_. Section 728.1, Code 1989, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 10. "Obscene material" means  
36 material that meets all of the following conditions:

37 a. The average person, applying contemporary adult  
38 community standards, would find that, taken as a  
39 whole, the material appeals to the prurient interest  
40 in sex.

41 b. Depicts any of the following:

42 (1) Patently offensive representations of sex  
43 acts, actual or simulated.

44 (2) Patently offensive representations of  
 45 masturbation, excretory functions, sadomasochistic  
 46 abuse, or lascivious exhibition of the genitals,  
 47 actual or simulated.  
 48 c. A reasonable person would find, taken as a  
 49 whole, the material lacks serious literary, artistic,  
 50 political, or scientific value.

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1 Sec. \_\_\_\_\_. NEW SECTION. 728.1A DETERMINATION OF  
 2 MATERIAL DEPICTING LASCIVIOUS EXHIBITION OF THE  
 3 GENITALS, BUTTOCKS, OR FEMALE BREAST.

4 In determining whether a depiction constitutes a  
 5 "lascivious exhibition of the genitals, buttocks, or  
 6 female breast", the trier of fact shall consider all  
 7 of the following factors:

- 8 1. Whether the focal point of the depiction is on  
 9 the genitals, buttocks, or female breast.
- 10 2. Whether the depiction of the setting is  
 11 sexually suggestive, such as when the setting is in a  
 12 place generally associated with sexual activity.
- 13 3. Whether the person is depicted in a pose  
 14 generally associated with sexual activity.
- 15 4. Whether the depiction suggests sexual coyness  
 16 or a willingness to engage in sexual activity.
- 17 5. Whether the depiction is intended or designed  
 18 to elicit a sexual response.

19 Not all of the factors need be involved for  
 20 material to depict "lascivious exhibition of the  
 21 genitals, buttocks, or female breast". The  
 22 determination shall be made based on the overall  
 23 content of the depiction.

24 Sec. \_\_\_\_\_. Section 728.2, Code 1989, is amended to  
 25 read as follows:

26 728.2 DISSEMINATION AND EXHIBITION OF OBSCENE  
 27 HARMFUL MATERIAL TO MINORS A MINOR.

28 Any A person, other than the parent or guardian of  
 29 the minor, who knowingly disseminates or exhibits  
 30 ~~obscene~~ harmful material to a minor, including the  
 31 exhibition of ~~obscene~~ harmful material so that it can  
 32 be observed by a minor on or off the premises where it  
 33 is displayed, is guilty, of a ~~public offense and shall~~  
 34 upon conviction, be ~~guilty~~ of a serious misdemeanor.

35 Sec. \_\_\_\_\_. Section 728.3, Code 1989, is amended to  
 36 read as follows:

37 728.3 ADMITTING MINORS A MINOR OR A CHILD TO  
 38 PREMISES WHERE OBSCENE HARMFUL MATERIAL IS EXHIBITED.

39 1. A person who knowingly sells, gives, delivers,  
 40 or provides a minor who is not a child with a pass or  
 41 admits the minor to premises where ~~obscene~~ harmful  
 42 material is exhibited is guilty, of a ~~public offense~~

43 and upon conviction, is guilty of a serious  
44 misdemeanor.

45 2. A person who knowingly sells, gives, delivers,  
46 or provides a child with a pass or admits a child to a  
47 premise where ~~obscene~~ harmful material is exhibited is  
48 guilty, of a public offense and upon conviction, is  
49 guilty of an aggravated misdemeanor."

50 3. Page 1, by striking lines 19 through 34 and

**Page 3**

1 inserting the following:

2 "Sec. \_\_\_\_\_. Section 728.4, Code 1989, is amended to  
3 read as follows:

4 728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY  
5 OBSCENE MATERIALS.

6 1. A person who knowingly rents, sells, or offers  
7 for rental or sale obscene material depicting a sex  
8 act involving sadomasochistic abuse, excretory  
9 functions, or bestiality, which the average adult  
10 taking the material as a whole in applying  
11 contemporary community standards would find appeals to  
12 the prurient interest and is patently offensive; and  
13 which material, taken as a whole, lacks serious  
14 literary, scientific, political, or artistic value, is  
15 guilty, upon conviction, is guilty of an aggravated  
16 misdemeanor. However, second and subsequent  
17 violations of this subsection by a person who has  
18 previously been convicted of violating this subsection  
19 are class "D" felonies.

20 2. A person who knowingly imports or causes to be  
21 brought or sent into this state, for purposes of sale  
22 or rental, any obscene material is guilty, upon  
23 conviction, of a class "D" felony.

24 3. Charges under this section may only be brought  
25 by a county attorney or by the attorney general."

26 4. Page 1, by inserting before line 35, the  
27 following:

28 "Sec. \_\_\_\_\_. Section 728.6, Code 1989, is amended to  
29 read as follows:

30 728.6 CIVIL SUIT TO DETERMINE OBSCENITY OR THE  
31 SALE OR RENTAL OF MATERIAL HARMFUL TO A MINOR.

32 Whenever if the county attorney of any a county has  
33 reasonable cause to believe that any a person is  
34 engaged or plans to engage in the dissemination or  
35 exhibition of harmful material to a minor or obscene  
36 material within the county attorney's county, to  
37 minors the county attorney may institute a civil  
38 proceeding in the district court of the county to  
39 enjoin the dissemination or exhibition of obscene  
40 harmful material to minors a minor or the sale or  
41 rental of obscene material. Such The application for

42 injunction is optional and not mandatory and shall not  
 43 be construed as a prerequisite to criminal prosecution  
 44 for a violation of this chapter.

45 Sec. \_\_\_\_\_. Section 728.10, Code 1989, is amended to  
 46 read as follows:

47 728.10 AFFIRMATIVE DEFENSE.

48 In ~~any a~~ prosecution for disseminating or  
 49 exhibiting ~~obscene harmful~~ material to ~~minors a~~ minor,  
 50 it is an affirmative defense that the defendant had

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1 reasonable cause to believe that the minor involved  
 2 was eighteen years old or more and the minor exhibited  
 3 to the defendant a draft card, driver's license, birth  
 4 certificate, or other official or apparently official  
 5 document purporting to establish that ~~such the~~ minor  
 6 was eighteen years old or more or was accompanied by a  
 7 parent or spouse eighteen years of age or more.

8 Sec. \_\_\_\_\_. Section 728.11, Code 1989, is amended to  
 9 read as follows:

10 728.11 UNIFORM APPLICATION.

11 In order to provide for the uniform application of  
 12 the provisions of this chapter relating to obscene  
 13 material ~~applicable to minors or harmful material~~  
 14 within this state, it is ~~intended that~~ the sole and  
 15 only regulation of obscene or harmful material shall  
 16 be under the provisions of this chapter, and ~~no a~~  
 17 municipality, county, or other governmental unit  
 18 within this state shall not make ~~any a~~ law, ordinance,  
 19 or regulation relating to the availability of obscene  
 20 materials or harmful material. All such laws,  
 21 ordinances, or regulations shall be ~~or become~~ are  
 22 void, unenforceable, and of no effect on January 1,  
 23 1978. ~~Nothing in this~~ This section shall does not  
 24 restrict the zoning authority of cities and counties."

25 5. Page 4, by inserting before line 13, the  
 26 following:

27 "Sec. \_\_\_\_\_. NEW SECTION. 728.16 MATERIAL HARMFUL  
 28 TO INMATES.

29 1. As used in this section, "material harmful to  
 30 inmates" means any material that meets all of the  
 31 following:

32 a. Taken as a whole, the average person, applying  
 33 contemporary community standards, would find the  
 34 material to have a tendency to excite lustful or  
 35 erotic thoughts in inmates or appeal to the prurient  
 36 interest in sex of inmates.

37 b. (1) Depicts a sex act, excretory functions,  
 38 sadomasochistic abuse, or exhibition of the genitals,  
 39 buttocks, or female breast.

40 (2) The depiction is in a way that is patently

41 offensive to prevailing standards in the community  
 42 with respect to what is suitable for inmates.  
 43 c. Taken as a whole, the material lacks serious  
 44 literary, artistic, political, or scientific value.  
 45 2. It is the belief of the general assembly that  
 46 the availability or possession of material harmful to  
 47 inmates represents a potential danger to the community  
 48 and to personnel of the Iowa department of  
 49 corrections. Material harmful to an inmate shall not  
 50 be available or disseminated to an inmate. The Iowa

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1 department of corrections shall not provide a room or  
 2 facility for the viewing of material which could be  
 3 considered harmful to inmates."

The House stood at ease at 12:34 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3705, to House File 740, at 1:55 p.m., Speaker Avenson in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Poncy of Wapello, for the remainder of the day, on request of Arnould of Scott.

Carpenter of Polk offered the following amendment H—3753, to amendment H—3705, filed by her from the floor and moved its adoption:

H—3753

1 Amend amendment H—3705, to House File 740, as  
 2 follows:  
 3 1. By striking page 4, line 25, through page 5,  
 4 line 3.

Amendment H—3753 was adopted.

Jay of Appanoose offered the following amendment H—3745, to amendment H—3705, filed from the floor by him and Rosenberg of Story and moved its adoption:

H—3745

1 Amend amendment, H—3705, to House File 740 as  
 2 follows:  
 3 1. By striking page 1, line 2 through page 5,  
 4 line 3, and inserting the following:  
 5 "\_\_\_\_\_. Page 1, line 3, by striking the word  
 6 "Prohibited" and inserting the following: "Prohibited  
 7 Unless otherwise provided, "prohibited".  
 8 \_\_\_\_\_ Page 1, by striking lines 21 through 34 and

9 inserting the following:

10 "728.4 RENTAL OR SALE OF HARD CORE PORNOGRAPHY.

11 A person who knowingly rents, sells, or offers for  
 12 rental or sale material depicting a sex act involving  
 13 sadomasochistic abuse, excretory functions, or  
 14 describing patently offensive representations or  
 15 descriptions of oral, anal, or vaginal intercourse,  
 16 actual or simulated, involving humans, or depicting  
 17 patently offensive representations or descriptions of  
 18 masturbation, excretory functions, or bestiality, or  
 19 lewd exhibition of the genitals, which the average  
 20 adult taking the material as a whole in applying  
 21 statewide contemporary community standards would find  
 22 appeals to the prurient interest and is patently  
 23 offensive; and which material, taken as a whole, lacks  
 24 serious literary, scientific, political, or artistic  
 25 value, upon conviction is guilty of an aggravated  
 26 misdemeanor. However, second and subsequent  
 27 violations of this section by a person who has been  
 28 previously convicted of violating this section are  
 29 class "D" felonies. Charges under this section may  
 30 only be brought by a county attorney or by the  
 31 attorney general."

32 \_\_\_\_\_. Page 3, line 6, by striking the words "a  
 33 peace officer" and inserting the following: "the  
 34 county attorney".

35 \_\_\_\_\_. Page 3, line 8, by striking the words "a  
 36 peace officer" and inserting the following: "the  
 37 county attorney".

38 \_\_\_\_\_. Page 3, line 10, by inserting after the word  
 39 "bestiality," the following: "lewd".

40 \_\_\_\_\_. Page 3, line 12, by inserting after the  
 41 letter "f." the following: "This section shall not  
 42 be construed to require a processor to review all  
 43 films, photographs, video tapes, negatives, or slides  
 44 delivered to the processor within the processor's  
 45 professional capacity or employment.

46 For purposes of this section, "prohibited sexual  
 47 act" means any of the following:

- 48 a. A sex act as defined in section 702.17.
- 49 b. An act of bestiality involving a minor.
- 50 c. Fondling or touching the pubes or genitals of a

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1 minor for the purpose of arousing or satisfying the  
 2 sexual desires of a person who may view a depiction of  
 3 the act.

4 d. Fondling or touching the pubes or genitals of a  
 5 person by a minor for the purpose of arousing or  
 6 satisfying the sexual desires of a person who may view  
 7 a depiction of the act.

8 e. Sadomasochistic abuse of a minor for the  
 9 purpose of arousing or satisfying the sexual desires  
 10 of a person who may view a depiction of the abuse.  
 11 f. Sadomasochistic abuse of a person by a minor  
 12 for the purpose of arousing or satisfying the sexual  
 13 desires of a person who may view a depiction of the  
 14 abuse."  
 15 \_\_\_\_\_. Page 4, by inserting after line 12 the  
 16 following:  
 17 "Sec. \_\_\_\_\_. If any provision of this Act or the  
 18 application thereof to any person is invalid, the  
 19 invalidity shall not affect the provisions or  
 20 application of this Act which can be given effect  
 21 without the invalid provisions or application, and to  
 22 this end the provisions of this Act are severable."  
 23 \_\_\_\_\_. By renumbering as necessary."

Roll call was requested by Stromer of Hancock and Jay of Appanoose.

On the question "Shall amendment H—3745 be adopted?"  
 (H.F. 740)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Lykam
May	McKinney	Mertz	Neuhauser
Nielsen	Ollie	Osterberg	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 35:

Banks	Beaman	Bennett	Branstad
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pavich	Pellett
Petersen, D. F.	Plasier	Renken	Schneklath
Shoning	Spenner	Stromer	Stueland
Trent	Tyrrell	Van Maanen	

Absent or not voting, 9:

Connors	Koenigs	Kremer	Muhlbauer
Poncy	Royer	Shoultz	Siegrist
Svoboda			

Amendment H—3745 was adopted, placing out of order amendment H—3753, previously adopted, found on page 1169 of the House Journal.

On motion by McKean of Jones, amendment H—3705, as amended, was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H—3715 filed by him on March 30, 1989.

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. 740)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Stromer	Stueland	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 9:

Connors	Halvorson, R. A.	Hatch	Koenigs
Osterberg	Poncy	Royer	Siegrist
Svoboda			

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 File 26)

Bennett of Ida asked and received unanimous consent to withdraw the motion to reconsider House File 26, a bill for an act limiting the criminal and civil liability of certain persons who are responsible for the treatment and care of the mentally ill, filed by him on March 30, 1989.

The House resumed consideration of **House File 720**, a bill for an act relating to joint financing of public works and facilities under chapter 28F, and amendment H-3703, as amended, found on pages 1134 through 1136 of the House Journal, previously deferred.

May of Worth offered the following amendment H-3737, to amendment H-3703, filed by him and Siegrist of Pottawattamie:

H-3737

- 1 Amend the amendment, H-3703, to House File 720, as
- 2 follows:
- 3 1. Page 2, line 7, by striking the word "ten" and
- 4 inserting the following: "thirty".
- 5 2. Page 2, line 13, by striking the words "before
- 6 the date fixed for" and inserting the following:
- 7 "within fourteen days following the date of".

Dvorsky of Johnson rose on a point of order that amendment H-3737 was not germane.

The Speaker ruled the point not well taken and amendment H-3737 germane.

On motion by May of Worth, amendment H-3737 was adopted.

Fogarty of Palo Alto offered the following amendment H-3736, to amendment H-3703, filed by him and Black of Jasper and moved its adoption:

H-3736

- 1 Amend amendment, H-3703, to House File 720, as
- 2 follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, by inserting before line 9 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 28F.1, Code 1989, is amended by
- 8 adding the following new unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. An entity created under  
 10 this chapter for the purpose of financing electric  
 11 facilities shall include on its governing board at  
 12 least one voting representative from each member city.  
 13 No action having a fiscal impact upon the entity of  
 14 one hundred thousand dollars or more shall be taken  
 15 except by action of the board of directors." "  
 16 2. By renumbering as necessary.

Amendment H—3736 was adopted.

The following amendments, to amendment H—3703, were with-  
 drawn by unanimous consent:

H—3734 filed by Chapman, et al., on March 30, 1989.

H—3735 filed by Jay of Appanoose and Fogarty of Palo Alto on  
 March 30, 1989.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones on request of Shoning of Woodbury; Stueland of Clinton on  
 request of Miller of Cherokee; Branstad of Winnebago on request of Maulsby of Calhoun,  
 all for the remainder of the day.

Division of amendment H—3703, as amended, was requested as  
 follows:

H—3703A — all of pages 1 and 2 and lines 1 through 12 and 20  
 through 22 of page 3.

H—3703B — page 3, lines 13 through 19.

Dvorsky of Johnson rose on a point of order that amendment  
 H—3703A was not germane.

The Speaker ruled the point well taken and amendment  
 H—3703A, as amended, not germane.

On motion by Adams of Hamilton, amendment H—3703B was  
 adopted.

Adams of Hamilton asked and received unanimous consent to  
 withdraw amendment H—3640 filed by her and Wise of Lee on March  
 28, 1989.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for the remainder of the day, on request of Corbett of Linn.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 720)

The ayes were, 41:

Arnould	Black	Blanshan	Brammer
Brand	Cohoon	Connolly	De Groot
Doderer	Dvorsky	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. N.	Hammond
Harper	Holveck	Jay	Jochum
Johnson	Knapp	Lageschulte	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pellett	Plasier	Rosenberg
Schrader	Shoultz	Spear	Stromer
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

The nays were, 48:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Brown	Buhr
Carpenter	Chapman	Clark	Corbett
Daggett	Diemer	Eddie	Garman
Groninga	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Haverland	Hermann	Hester
Hibbard	Jesse	Kistler	Kremer
Lundby	Lykam	Maulsby	May
Miller	Ollie	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Renaud	Renken
Schnekloth	Shearer	Sherzan	Shoning
Spenner	Swartz	Tyrrell	Van Maanen

Absent or not voting, 11:

Branstad	Connors	Hatch	Koenigs
McKean	Metcalf	Poncy	Royer
Siegrist	Stueland	Svoboda	

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

### INTRODUCTION OF BILLS

**House File 754**, by committee on ways and means, a bill for an act providing a state sales tax exemption for certain medical equipment.

Read first time and placed on the **ways and means calendar**.

**House File 755**, by committee on ways and means, a bill for an act relating to mobile home taxes and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 756**, by Arnould and Stromer, a bill for an act relating to weights and measures and other technical standards by permitting pitless electronic scales to be installed in certain circumstances and by providing for reference to the most current standards as adopted by the United States national institute of standards and technology, formerly the national bureau of standards, and by revising references to the national bureau of standards to reflect its change of name.

Read first time and referred to committee on **agriculture**.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(House File 468)

Brammer of Linn asked and received unanimous consent to withdraw the motion to reconsider House File 468, a bill for an act relating to the advertisement and sale of wood building materials, and making penalties applicable, filed by him on March 22, 1989.

(House File 656)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 656, a bill for an act relating to reducing pollution by products purchased by the state, and by setting requirements for procurement by the department of general services, the state board of regents, the state department of transportation, and the commission for the blind, filed by him on March 22, placing out of order amendment H-3601 filed by Miller of Cherokee on March 23, 1989.

(House File 269)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 269, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents, filed by him on March 2, 1989.

**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 31, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

Also: That the Senate has on March 31, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 485, a bill for an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable.

Also: That the Senate has on March 31, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 497, a bill for an act relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate.

Also: That the Senate has on March 31, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 501, a bill for an act revising certain provisions relating to dispute resolution, transferring authority over specified dispute resolution activities to the Iowa peace institute, and generally relating to dispute resolution.

JOHN F. DWYER, Secretary

**MOTION TO RECONSIDER**  
(House File 720)

I move to reconsider the vote by which House File 720 failed to pass the House on March 31, 1989.

ADAMS of Hamilton

**SPONSORS ADDED**  
(House File 319)

Beatty of Warren requested to be added as a sponsor of House File 319.

(House File 319)

Jochum of Dubuque requested to be added as a sponsor of House File 319.

(House File 319)

Bisignano of Polk requested to be added as a sponsor of House File 319.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Thursday afternoon, March 30, 1989. Had I been present, I would have voted "aye" on House File 728.

PELLETT of Cass

## PRESENTATION OF VISITORS

Shoultz of Black Hawk presented to the House Roger Cunningham, Muscatine, who will be participating in the skiing event in the Special Olympics. He was accompanied by Ron Miller.

The Speaker announced that the following visitors were present in the House chamber:

One hundred ten fifth grade students from Milford Middle School, Nevada, accompanied by Kim Rolland and Mary Hardin Nedtwig. By Rosenberg of Story.

Twenty eighth grade students from Mar-Mac Middle School, McGregor. By Halvorson of Clayton.

## SUBCOMMITTEE ASSIGNMENTS

### Senate Joint Resolution 6

Education: Shoultz, Chair; Beaman and Cohoon.

#### Senate File 341

Education: Shearer, Chair; Maulsby and Wise.

#### Senate File 349

Transportation: Cohoon, Chair; Koenigs and Royer.

#### Senate File 408

Transportation: Connolly, Chair; Branstad and Shearer.

#### Senate File 420

Transportation: Muhlbauer, Chair; Black and Schnekloth.

#### Senate File 442

Transportation: Muhlbauer, Chair; Beaman and Connolly.

#### Senate File 449

Education: Wise, Chair; Adams, Harper, Kistler and Siegrist.

#### Senate File 450

Education: Brand, Chair; Beaman and Cohoon.

## 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 317**, a bill for an act relating to the sale of milk products, by providing for the issuance of permits.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1989.

## COMMITTEE ON APPROPRIATIONS

**Senate File 363**, a bill for an act relating to and making supplemental appropriations to the auditor of state, department of general services, department of human services, college aid commission, state board of regents, Iowa department of public health, department of commerce, department of corrections, judicial department, department of cultural affairs, Iowa state fair authority, department of agriculture and land stewardship, department of natural resources, department of public defense, state department of transportation, and council of state governments for the remainder of the fiscal year ending June 30, 1989, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3744** March 30, 1989.

**Committee Bill** (Formerly House File 654), relating to programs to increase opportunity for minorities in postsecondary education and women and minorities in postsecondary faculty positions and making appropriations for the programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 1989.

## COMMITTEE ON EDUCATION

**Senate File 52**, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3740** March 30, 1989.

**Senate File 223**, a bill for an act relating to early childhood programs.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3741** March 30, 1989.

## COMMITTEE ON WAYS AND MEANS

**Senate File 186**, a bill for an act relating to the updating of the reference to the Internal Revenue Code, and providing refund provisions for certain income and inheritance tax payments, and providing applicability and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3742** March 30, 1989.

**Senate File 213**, a bill for an act exempting from the sales, services, and use tax the sale of certain films, tapes, discs, and records to a person engaged in the business of leasing, renting, or selling these items and providing effective and retroactive effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1989.

**Committee Bill** (Formerly House File 245), providing a state sales tax exemption for certain medical equipment.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1989.

**Committee Bill** (Formerly House File 374), relating to mobile home taxes and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1989.

### AMENDMENTS FILED

H-3739	H.F.	690	Rosenberg of Story
H-3740	S.F.	52	Committee on Education
H-3741	S.F.	223	Committee on Education
H-3742	S.F.	186	Committee on Ways and Means
H-3744	S.F.	363	Committee on Appropriations
H-3746	H.F.	737	Koenigs of Mitchell
H-3747	H.F.	641	Rosenberg of Story
H-3748	H.F.	702	Rosenberg of Story
H-3749	S.F.	52	Corbett of Linn
H-3751	S.F.	186	Schnekloth of Scott
H-3752	H.F.	748	Jay of Appanoose Kremer of Buchanan
H-3756	H.F.	736	Harper of Black Hawk
H-3757	H.F.	262	Rosenberg of Story Jay of Appanoose
H-3758	S.F.	300	Hanson of Delaware
H-3759	H.F.	156	Ollie of Clinton
H-3760	H.F.	734	Fuller of Hardin
H-3761	H.F.	401	Halvorson of Clayton
H-3762	H.F.	700	Carpenter of Polk Jay of Appanoose
H-3763	H.F.	715	Maulsby of Calhoun

On motion by Arnould of Scott, the House adjourned at 3:45 p.m., until 10:00 a.m., Monday, April 3, 1989.

# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 3, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by Reverend Alan Kaiser, Chaplain of the Polk County Jail, Des Moines.

The Journal of Friday, March 31, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Buhr of Polk, from seventy residents of District 85.

By Hibbard of Madison, from fifty-five residents of Dallas County.  
Also: From fifty-five residents of Madison County.

By Hermann of Scott, from fifty-one constituents opposing a one cent bottle bill container handling fee.

Also: From four hundred twenty-eight constituents opposing a one cent bottle bill container handling fee.

By Spear of Lee, from twenty-five constituents of District 61 opposing House File 708.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton on request of Dvorsky of Johnson; Jay of Appanoose on request of Hansen of Woodbury; Fey of Scott on request of Brammer of Linn, all until their arrival.

## INTRODUCTION OF BILL

**House File 757**, by committee on appropriations, a bill for an act relating to programs to increase opportunity for minorities in post-secondary education and women and minorities in postsecondary faculty positions.

Read first time and placed on the **appropriations calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 81**, by Palmer, a bill for an act relating to consumer transactions involving the performance of repairs or service upon a motor vehicle, and imposing penalties.

Read first time and referred to committee on **small business and commerce**.

**Senate File 256**, by Coleman, a bill for an act relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction.

Read first time and referred to committee on **transportation**.

**Senate File 280**, by committee on small business and economic development, a bill for an act relating to the provision of economic development assistance to communities by authorizing certain property tax exemptions.

Read first time and referred to committee on **small business and commerce**.

**Senate File 295**, by Gettings, a bill for an act relating to school bus driver education requirements.

Read first time and referred to committee on **transportation**.

**Senate File 482**, by committee on state government, a bill for an act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

Read first time and referred to committee on **state government**.

**Senate File 490**, by committee on environment and energy utilities, a bill for an act relating to the sale, lease, rental, or advertising of water treatment systems.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 497**, by committee on agriculture, a bill for an act relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate.

Read first time and referred to committee on **agriculture**.

**Senate File 501**, by committee on state government, a bill for an act revising certain provisions relating to dispute resolution, transferring authority over specified dispute resolution activities to the Iowa peace institute, and generally relating to dispute resolution.

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 March 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Also: That the Senate has on March 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 318, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Also: That the Senate has on March 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 323, a bill for an act permitting the use of telecommunications in grades nine through twelve to provide courses that are required by the state's minimum educational standards and also are postsecondary prerequisites.

Also: That the Senate has on March 31, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 462, a bill for an act relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit.

Also: That the Senate has on March 30, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 500, a bill for an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 490**, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure

and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters, was taken up for consideration.

Garman of Story offered the following amendment H—3362 filed by her and moved its adoption:

H—3362

- 1 Amend House File 490 as follows:
- 2 1. Page 7, by striking lines 17 through 25.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 40.

Amendment H—3362 lost.

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. 490)

The ayes were, 76:

Arnould	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
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	Hester	Hibbard
Holveck	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker Avenson

The nays were, 19:

Banks	Beaman	Corbett	Daggett
De Groot	Hermann	Kistler	Lageschulte
Maulsby	McKean	Pellett	Plasier
Renken	Royer	Schnekloth	Spenner
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 5:

Adams	Connolly	Fey	Jay
Shultz			

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:

Sherzan of Polk, until his return, on request of Chapman of Linn.

**House File 46**, a bill for an act relating to the prohibition of a candidate defeated in a primary election from having that candidate's name placed on the following general election ballot, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—3444 filed by the committee on state government:

H—3444

- 1 Amend House File 46 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "to be nominated by a nonparty political organization
- 4 pursuant to chapter 44,".

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3651, to the committee amendment H—3444, filed by Halvorson, et al., on March 28, 1989.

Halvorson of Webster offered the following amendment H—3731, to the committee amendment H—3444, filed by Halvorson, et al., and moved its adoption:

H—3731

- 1 Amend amendment, H—3444, to House File 46 as
- 2 follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:
- 5 "\_\_\_\_\_ Page 1, by inserting after line 8 the
- 6 following:

7 "Sec. \_\_\_\_\_. Section 44.1, Code 1989, is amended to  
8 read as follows:

9 44.1 POLITICAL NONPARTY ORGANIZATIONS.

10 Any convention or caucus of eligible electors  
11 representing a political organization which is not a  
12 political party as defined by law, may, for the state,  
13 or for any division or municipality thereof, or for  
14 any county, or for any subdivision thereof, for which  
15 such convention or caucus is held, make one nomination  
16 of a candidate for each office to be filled therein at  
17 the general election. However, in order to qualify  
18 for any nomination made for a state-wide elective  
19 office by such a political organization there shall be  
20 in attendance at the convention or caucus where the  
21 nomination is made a minimum of two hundred fifty  
22 eligible electors including at least one eligible  
23 elector from each of twenty-five counties. In order  
24 to qualify for any nomination to the office of United  
25 States representative there shall be in attendance at  
26 the convention or caucus where the nomination is made  
27 a minimum of ~~fifty one~~ hundred eligible electors who  
28 are residents of the congressional district including  
29 at least one eligible elector from each of at least  
30 one-half of the counties of the congressional  
31 district. In order to qualify for any nomination to  
32 an office to be filled by the voters of a county ~~or~~ of  
33 a ~~city~~ there shall be in attendance at the convention  
34 or caucus where the nomination is made a minimum of  
35 ~~ten~~ fifty eligible electors who are residents of the  
36 county ~~or city~~, as the case may be, including at least  
37 one eligible elector from at least one-half of the  
38 voting precincts in that county ~~or city~~. In order to  
39 qualify for any nomination to an office to be filled  
40 by the voters of a city there shall be in attendance  
41 at the convention or caucus where the nomination is  
42 made a minimum of ten eligible electors who are  
43 residents of the city, including at least one eligible  
44 elector from at least one-half of the voting precincts  
45 in that city. In order to qualify for any nomination  
46 made for the general assembly there shall be in  
47 attendance at the convention or caucus where the  
48 nomination is made a minimum of ~~ten~~ fifty eligible  
49 electors who are residents of the representative  
50 district or ~~twenty~~ seventy-five eligible electors who

Page 2

1 are residents of the senatorial district, as the case  
2 may be, with at least one eligible elector from one-  
3 half of the voting precincts in the district in each  
4 case. The names of all delegates in attendance at  
5 such convention or caucus and such fact shall be

- 6 certified to the state commissioner together with the  
 7 other certification requirements of this chapter."  
 8 \_\_\_\_\_. Title page, line 1, by inserting after the  
 9 word "the" the following: "nomination of candidates  
 10 for public office, including the"."

Amendment H—3731 was adopted.

On motion by Halvorson of Webster, the committee amendment H—3444, as amended, 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?" (H.F. 46)

The ayes were, 66:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Connolly	Connors	Corbett	Diemer
Doderer	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jochum
Johnson	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	Mertz	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Pellett	Peters	Petersen, D. F.	Renaud
Renken	Royer	Schneklath	Schrader
Spenner	Stromer	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 28:

Beatty	Bennett	Brammer	Clark
Cohoon	Daggett	De Groot	Dvorsky
Eddie	Fuller	Garman	Hermann
Hibbard	Knapp	McKean	McKinney
Miller	Osterberg	Peterson, M. K.	Plasier
Poncy	Rosenberg	Shearer	Shoning
Siegrist	Spear	Stueland	Svoboda

Absent or not voting, 6:

Chapman	Fey	Jay	Jesse
Sherzan	Shoultz		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 10:55 a.m., until the fall of the gavel.

The House resumed session at 12:20 p.m., Speaker Avenson in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 157**, by Vande Hoef, Lind, Murphy, Riordan, Rensink and Kibbie, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license.

Read first time and **passed on file**.

**Senate File 231**, by Bruner, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Read first time and referred to committee on **small business and commerce**.

**Senate File 318**, by committee on agriculture, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Read first time and referred to committee on **state government**.

**Senate File 323**, by Kibbie, a bill for an act permitting the use of telecommunications in grades nine through twelve to provide courses that are required by the state's minimum educational standards and also are postsecondary prerequisites.

Read first time and referred to committee on **education**.

**Senate File 485**, by committee on agriculture, a bill for an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable.

Read first time and referred to committee on **agriculture**.

**Senate File 500**, by committee on local government, a bill for an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices.

Read first time and **passed on file**.

On motion by Arnould of Scott, the House was recessed at 12:22 p.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 387, a bill for an act relating to the establishment of prices for nursery stock by the department of natural resources.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 435, a bill for an act relating to state licensing of asbestos professionals who perform work in schools.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 469, a bill for an act relating to information required to be delivered to a warehouse operator upon the termination of a receivership over an agricultural products warehouse.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 508, a bill for an act relating to common liens on real or personal property and providing a remedy.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

The House resumed consideration of **House File 690**, a bill for an act relating to the protection of children, by modifying provisions relating to a child in need of assistance, child abuse, and termination of parental rights, and providing for a procedure relating to courtroom testimony of children, previously deferred.

Brammer of Linn offered the following amendment H—3647 filed by him:

H—3647

- 1 Amend House File 690 as follows:
- 2 1. Page 2, by striking lines 23 and 24 and
- 3 inserting the following: "professional practice,
- 4 examines, attends, or treats a child and who

- 5 reasonably believes the child has been".  
6 2. Page 3, line 5 by striking the words "child  
7 person" and inserting the following: "child".

Rosenberg of Story offered the following amendment H-3739, to amendment H-3647, filed by him and requested division as follows:

H-3739

- 1 Amend the amendment, H-3647, to House File 690, as  
2 follows:

H-3739A

- 3 1. Page 1, by inserting before line 2 the  
4 following:  
5 "\_\_\_\_\_. Page 1, by striking lines 20 through 24."

H-3739B

- 6 2. Page 1, by inserting after line 7 the  
7 following:  
8 "\_\_\_\_\_. Page 3, by striking lines 16 through 18 and  
9 inserting the following: "parents. However, if the  
10 department".  
11 \_\_\_\_\_. By striking page 4, line 20 through page 5,  
12 line 4 and inserting the following: "located for the  
13 purpose of conducting an interview, observation, or  
14 inspection of the child. If permission to interview,  
15 observe, or inspect the child while at the facility or  
16 school is refused by the child's parent or guardian,  
17 the juvenile or district court upon a showing of  
18 probable cause that the child has been abused, may  
19 authorize the investigator to enter the facility or  
20 school and interview, observe, or inspect the child.  
21 However, the investigator may proceed directly to the  
22 court for an order authorizing the interview,  
23 observation, or inspection of the child without first  
24 contacting the child's parent or guardian. If an  
25 inspection of the child is consented to by the child's  
26 parent or guardian or authorized by the court, a  
27 witness shall be present during the inspection. The  
28 immunity granted by section".  
29 3. By renumbering as necessary.

On motion by Rosenberg of Story, amendment H-3739A was adopted.

Rosenberg of Story asked and received unanimous consent to withdraw amendment H-3739B.

On motion by Brammer of Linn, amendment H-3647, 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. 690)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Halvorson, R. N. Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 142**, a bill for an act relating to special health and accident insurance coverages, including individual and group accident and sickness insurance, nonprofit medical service corporation or hospital service corporation contracts, or health maintenance organization contracts, by prohibiting denial of insurance or other third-party payor contract or policy based upon an applicant's receipt of psychological counseling, with report of committee recommending amendment and passage was taken up for consideration.

Hibbard of Madison offered the following amendment H—3301 filed by the committee on small business and commerce and moved its adoption:

H—3301

- 1 Amend House File 142 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "conditions" the following: ", but only if the person
- 4 has first requested, received, and analyzed
- 5 information concerning the preexisting conditions for
- 6 which the psychological counseling was sought".

The committee amendment H—3301 was adopted.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—3374 filed by him on March 14, 1989 and amendment H—3525 filed by him on March 21, 1989, placing out of order amendment H—3550 (to amendment H—3525) filed by him on March 22, 1989.

Hibbard of Madison moved that the bill be read a last time now and 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, 77:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

The nays were, 23:

Banks	Bennett	Brammer	Corbett
Daggett	De Groot	Garman	Hanson, D. R.
Harbor	Hermann	Kistler	Maulsby
Metcalf	Pellett	Petersen, D. F.	Plasier
Renken	Royer	Schnekloth	Stueland
Trent	Tyrrell	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.

**House File 736**, a bill for an act relating to the use of integrity tests as a condition of employment and providing a penalty, was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3756 filed by her and moved its adoption:

H—3756

- 1 Amend House File 736 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "PROHIBITED" and inserting the following: "LIMITED".

Amendment H—3756 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. 736)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schrader	Shearer
Sherzan	Shoultz	Spear	Spenner
Stueland	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

The nays were, 36:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Corbett	Daggett
De Groot	Diemer	Eddie	Fuller
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Jesse	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Pellett	Petersen, D. F.
Renken	Schneklath	Shoning	Siegrist
Stromer	Trent	Tyrrell	Van Maanen

Absent or not voting, 2:

Mertz Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 641**, a bill for an act relating to human immunodeficiency virus-related testing and counseling, and eliminating a penalty, was taken up for consideration.

Hammond of Story offered the following amendment H-3687 filed by her:

H-3687

- 1 Amend House File 641 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 141.6, subsection 3, Code
- 5 1989, is amended by adding the following new
- 6 paragraph:
- 7 NEW PARAGRAPH. d. Devise a procedure, as a part
- 8 of the partner notification program, to provide for
- 9 the notification of an identifiable third party who is
- 10 a sexual partner of or who shares intravenous
- 11 equipment with a person who has tested positive for
- 12 the human immunodeficiency virus, by the department or
- 13 a physician, when all of the following situations
- 14 exist:
- 15 (1) A physician for the infected person is of the
- 16 good faith opinion that the nature of the continuing
- 17 contact poses an imminent danger of human
- 18 immunodeficiency virus infection transmission to the
- 19 third party.
- 20 (2) When the physician believes in good faith that
- 21 the infected person, despite strong encouragement, has
- 22 not and will not warn the third party and will not
- 23 participate in the voluntary partner notification
- 24 program.

25 Notwithstanding subsection 4, the department may  
26 reveal the identity of a person who has tested  
27 positive for the human immunodeficiency virus  
28 infection only to the extent necessary to protect a  
29 third party from the direct threat of transmission.  
30 This subsection shall not be interpreted to create a  
31 duty to warn third parties of the danger of exposure  
32 to human immunodeficiency virus through contact with a  
33 person who tests positive for the human  
34 immunodeficiency virus infection.

35 Prior to notification of a third party, the  
36 physician proposing to cause the notification to be  
37 made shall make reasonable efforts to inform, in  
38 writing, the person who has tested positive for the  
39 human immunodeficiency virus infection. The written  
40 information shall state that due to the nature of the  
41 persons's continuing contact with a third party, the  
42 physician is forced to take action to provide  
43 notification to the third party. The physician, when  
44 reasonably possible, shall provide the following  
45 information to the person who has tested positive for  
46 the human immunodeficiency virus infection:

- 47 (a) The nature of the disclosure and the reason  
48 for the disclosure.  
49 (b) The anticipated date of disclosure.  
50 (c) The name of the party or parties to whom

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1 disclosure is to be made.

2 The department shall adopt rules pursuant to  
3 chapter 17A to implement this paragraph. The rules  
4 shall provide a detailed procedure by which the  
5 department or a physician may directly notify an  
6 endangered third party.

7 Sec. 2. Section 141.10, subsection 1, Code 1989,  
8 is amended by adding the following new paragraph:  
9 NEW PARAGRAPH. d. Release may be made of test  
10 results concerning a patient pursuant to procedures  
11 established under section 141.6, subsection 3,  
12 paragraph "d".

13 Sec. 3. Section 141.10, Code 1989, is amended by  
14 adding the following new unnumbered paragraph:  
15 NEW UNNUMBERED PARAGRAPH. A physician or health  
16 care practitioner attending a person who tests  
17 positive for the human immunodeficiency virus  
18 infection has no duty to disclose to or to warn third  
19 parties of the dangers of exposure to human  
20 immunodeficiency virus infection through contact with  
21 that person and is immune from any liability, civil or  
22 criminal, for failure to disclose to or warn third  
23 parties of the condition of that person.

24 Sec. 4. Section 141.22, subsection 4, Code 1989,  
25 is amended to read as follows:

26 4. Prior to withdrawing blood for the purpose of  
27 performing an HIV-related test, the subject shall be  
28 given written notice of the provisions of this section  
29 and of section 141.6, subsection 3, paragraph "d".

30 Sec. 5. Section 141.22, Code 1989, is amended by  
31 adding the following new subsection:

32 **NEW SUBSECTION. 7.** When submitted the department  
33 shall review and approve pamphlets containing the  
34 information required to be provided to a subject or  
35 the subject's legal guardian pursuant to subsection 1.  
36 The department shall also prepare a model pamphlet  
37 containing this information. This subsection does not  
38 require submission of all pamphlets containing the  
39 required information to the department for approval.

40 Sec. 6. **NEW SECTION. 141.23A EMERGENCY RESPONDER**  
41 **TESTING PROGRAM.**

42 If a person in the course of responding to an  
43 emergency renders aid to an injured person and becomes  
44 exposed to bodily fluids of the injured person, that  
45 emergency responder shall be entitled to HIV testing  
46 in accordance with the latest available medical  
47 technology to determine if infection with the human  
48 immunodeficiency virus has occurred. The costs of the  
49 test shall be paid for through the expenditure of  
50 funds appropriated to the department for AIDS-related

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1 activities.

2 Sec. 7. Section 141.24, subsection 1, Code 1989,  
3 is amended by striking the subsection."

Hammond of Story offered the following amendment H—3721, to  
amendment H—3687, filed by her and moved its adoption:

H—3721

1 Amend the amendment, H—3687, to House File 641 as  
2 follows:

3 1. Page 1, line 25, by inserting after the word  
4 "department" the following: "or a physician".

5 2. Page 1, line 28, by inserting after the word  
6 "infection" the following: "pursuant to this subsec-  
7 tion".

Amendment H—3721 was adopted.

Rosenberg of Story offered the following amendment H—3747,  
to amendment H—3687, filed by him and moved its adoption:

H-3747

- 1 Amend the amendment, H-3687, to House File 641, as
- 2 follows:
- 3 1. Page 1, line 29, by inserting after the word
- 4 "transmission." the following: "Notification of a
- 5 person pursuant to this paragraph is subject to the
- 6 disclosure provisions of section 141.23, subsection
- 7 3."

Amendment H-3747 was adopted.

On motion by Hammond of Story, amendment H-3687, as amended, was adopted placing the following amendments out of order:

H-3490 filed by Renaud of Polk on March 20, 1989.

H-3649 (to amendment H-3490) filed by Renaud of Polk on March 28, 1989.

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. 641)

The ayes were, 100:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

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 731**, a bill for an act relating to constructive notice of rights conferred upon drainage districts by the filing of files and records with the county auditor, was taken up for consideration.

Hibbard of Madison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 731)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabar
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Banks                      Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 46, 641, 731 and 736.

**House File 730**, a bill for an act relating to the adoption of rules by the real estate commission imposing certain requirements on real estate brokers and salespersons, and providing an effective date, was taken up for consideration.

Svoboda of Tama in the chair at 4:16 p.m.

Peterson of Carroll offered the following amendment H—3716 filed by him and moved its adoption:

H—3716

- 1 Amend House File 730 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 117.29, Code 1989, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 9. Noncompliance with insurance
- 7 requirements under section 117.47."
- 8 2. Page 1, line 6, by inserting after the word
- 9 "chapter." the following: "The rules shall provide
- 10 for administration of the insurance requirements of
- 11 this section within the multiyear licensing structure
- 12 required by section 117.28. However, the rules shall
- 13 require licensees to submit evidence of compliance
- 14 with this section at least annually and shall provide
- 15 for review and determination of compliance on an
- 16 annual basis."
- 17 3. By renumbering as necessary.

Amendment H—3716 was adopted.

Halvorson of Webster offered the following amendment H—3679 filed by him and moved its adoption:

H—3679

- 1 Amend House File 730 as follows:
- 2 1. Page 1, lines 33 and 34, by striking the words
- 3 "one hundred dollars per licensee per year" and in-
- 4 serting the following: "ten dollars per transaction".

A non-record roll call was requested.

The ayes were 29, nays 40.

Amendment H—3679 lost.

Halvorson of Webster offered the following amendment H—3680 filed by him:

H—3680

- 1 Amend House File 730 as follows:
- 2 1. Page 2, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. FEES. In setting the fees for real
- 5 estate broker's licenses and real estate salesperson's
- 6 licenses pursuant to section 117.27, the real estate
- 7 commission shall take into account the anticipated
- 8 costs of implementing this Act and shall increase the
- 9 fees accordingly."
- 10 2. By numbering and renumbering as necessary.

Connors of Polk in the chair at 4:45 p.m.

Speaker Avenson in the chair at 4:49 p.m.

Halvorson of Webster moved the adoption of amendment H—3680.

Amendment H—3680 was adopted.

Peters of Woodbury in the chair at 5:00 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. 730)

The ayes were, 79:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Hammond	Harbor	Harper
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Miller	Muhlbauer

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peterson, M. K.	Poney
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Peters	
		Presiding	

The nays were, 19:

Bennett	Carpenter	De Groot	Diemer
Groninga	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Haverland	Kremer	Lageschulte	Metcalf
Petersen, D. F.	Plasier	Renken	Schnekloth
Siegrist	Stueland	Van Maanen	

Absent or not voting, 2:

Blanshan                  Hatch

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, for the remainder of the day, on request of Connors of Polk.

**House File 658**, a bill for an act relating to savings and loan associations and their regulation by the superintendent of savings and loans, was taken up for consideration.

Sherzan of Polk offered the following amendment H-3589 filed by him and moved its adoption:

H-3589

1 Amend House File 658 as follows:  
 2 1. Page 3, by inserting after line 27 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 534.302, subsection 8, Code  
 5 1989, is amended to read as follows:  
 6 8. PAY ON DEATH ACCOUNTS. Any association and any  
 7 federal savings and loan association may issue savings  
 8 accounts in the name of one or more persons with the  
 9 provision that upon the death of the owner or owners  
 10 the proceeds shall be the property of the person or  
 11 persons designated by the owner or owners and shown by  
 12 the record of the association; ~~but. After payment by~~  
 13 ~~the institution, the proceeds shall be remain subject~~  
 14 to the debts of the decedent and the payment of Iowa  
 15 inheritance tax, if any; ~~provided, however, that six~~

16 months after the date of the death of the owner the  
 17 receipt or acquittance of the person so designated  
 18 shall be a valid and sufficient release and discharge  
 19 of the association for the delivery of the savings  
 20 account or the payment so made. An institution paying  
 21 the person or persons designated shall not be liable  
 22 as a result of that action for any debts of the  
 23 decendent or for any estate, inheritance, or succession  
 24 taxes which may be due this state."  
 25 2. By renumbering as necessary.

Amendment H—3589 was adopted.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3517 filed by him on March 21, 1989.

Doderer of Johnson offered the following amendment H—3484 filed by her and moved its adoption:

H—3484

- 1 Amend House File 658 as follows:
- 2 1. Page 6, by striking lines 26 through 29 and
- 3 inserting the following:
- 4 "2. To make a real estate loan or real estate".
- 5 2. Page 6, line 34, by inserting after the word
- 6 "any" the following: "an".

Amendment H—3484 was adopted.

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. 658)

The ayes were, 99:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Peters	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Hatch

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 5:16 p.m.

**House File 366**, a bill for an act authorizing a county to exercise certain governmental powers to protect the public health and welfare, and to levy special assessments against affected property, with report of committee recommending amendment and passage was taken up for consideration.

Connors of Polk offered the following amendment H—3437 filed by the committee on local government and moved its adoption:

H—3437

1 Amend House File 366 as follows:  
 2 1. Page 2, by inserting after line 7 the  
 3 following:  
 4 "5. The procedures for making and levying a  
 5 special assessment pursuant to this section and for an  
 6 appeal of the assessment are the same procedures as  
 7 provided in sections 384.59 through 384.67 and  
 8 sections 384.72 through 384.75, provided that the  
 9 references in those sections to the council shall be  
 10 to the board of supervisors and the references to the  
 11 city shall be to the county."

The committee amendment H—3437 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. 366)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Hatch

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 748**, a bill for an act relating to the liability of an association or corporation resulting from services provided by the association or corporation, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3752 filed by him and Kremer of Buchanan and moved its adoption:

H—3752

- 1 Amend House File 748 as follows:
- 2 1. By striking page 1, line 34, through page 2,
- 3 line 1 and inserting the following: "association or
- 4 an employee of the association is not liable to any
- 5 person, whether a stockholder of the association or
- 6 another person, for a claim based upon an".

- 7 2. Page 2, line 5, by striking the word "an" and  
8 inserting the following: "a written".
- 9 3. Page 2, line 7, by striking the word "which"  
10 and inserting the following: "where the agreement".
- 11 4. Page 2, by striking lines 8 and 9 and  
12 inserting the following: "liability, except that  
13 liability for acts or omissions not in good".
- 14 5. Page 2, by striking lines 17 through 19 and  
15 inserting the following: "association or an employee  
16 of the association is not liable to any person,  
17 whether a stockholder of the association or another  
18 person, for a claim based upon an act".
- 19 6. Page 2, line 23, by striking the word "an" and  
20 inserting the following: "a written".
- 21 7. Page 2, line 25, by striking the word "which"  
22 and inserting the following: "where the agreement".
- 23 8. Page 2, by striking lines 26 and 27 and  
24 inserting the following: "that liability for acts or  
25 omissions not in good faith or which".
- 26 9. By striking page 2, line 34 through page 3,  
27 line 1 and inserting the following: "association or  
28 an employee of the cooperative association is not  
29 liable to any person, whether a member of the  
30 association or any other person, for a claim based  
31 upon".
- 32 10. Page 3, line 5, by striking the word "an" and  
33 inserting the following: "a written".
- 34 11. Page 3, by striking lines 9 and 10 and  
35 inserting the following: "acts or omissions not in  
36 good faith or which".
- 37 12. Page 3, by striking lines 14 through 30 and  
38 inserting the following:  
39 "Sec. \_\_\_\_\_. NEW SECTION. 504A.102 LIABILITY OF  
40 CORPORATION LIMITED.
- 41 Except as otherwise provided in this chapter, a  
42 cooperative trade association or any employee of the  
43 cooperative trade association is not liable to any  
44 person, whether a member of the cooperative trade  
45 association or any other person, for a claim based  
46 upon an act or omission of the cooperative trade  
47 association, or of any director, officer, employee,  
48 agent, member, or volunteer of the cooperative trade  
49 association, in providing services to or on behalf of  
50 a member of the cooperative trade association to the

**Page 2**

- 1 extent provided in a written agreement entered into  
2 between the member and the cooperative trade  
3 association for the performance of those services  
4 where the agreement eliminates or limits such  
5 liability, except that liability for acts or omissions

6 not in good faith or which involve intentional  
 7 misconduct or knowing violation of the law, or for a  
 8 transaction from which the person derives an improper  
 9 personal benefit shall not be eliminated or limited.  
 10 For purposes of this section a "cooperative trade  
 11 association" shall mean a corporation organized under  
 12 this chapter for the purpose of promoting or serving  
 13 the business or profession of one or more classes of  
 14 its members who are cooperative associations. For  
 15 purposes of this section a "cooperative association"  
 16 shall mean an organization organized under chapter  
 17 497, 498, or 499, or a domestic or foreign  
 18 organization which is an organization described in  
 19 Section 1381(a) of the Internal Revenue Code as  
 20 defined in section 422.3, an organization operating on  
 21 a cooperative basis which is engaged in furnishing  
 22 electric energy, or providing telephone service, to  
 23 persons in rural areas, or an organization which is a  
 24 cooperative association as defined in the Agricultural  
 25 Marketing Act, 12 U.S.C. § 1141j(a)."  
 26 13. Renumber as necessary.

Amendment H—3752 was adopted.

Kremer of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 748)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schnekloth	Schrader	Shearer

Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 2:

Neuhauser            Rosenberg

Absent or not voting, 1:

Hatch

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 366, 658 and 730.

### MOTION TO RECONSIDER LOST (House File 600)

Johnson of Winneshiek called up for consideration the motion to reconsider House File 600 filed on March 27, 1989 by Royer of Page.

Royer of Page moved to reconsider the vote by which House File 600, a bill for an act relating to the protection of water quality, including the establishment of protected areas, and providing a penalty, passed the House and was placed on its last reading on March 23, 1989.

A non-record roll call was requested.

The ayes were 34, nays 60.

The motion to reconsider lost, placing the following amendments out of order:

H—3648 filed by Bennett of Ida on March 28, 1989.

H—3653 filed by Royer of Page on March 28, 1989.

### MOTIONS TO RECONSIDER (House File 142)

I move to reconsider the vote by which House File 142 passed the House on April 3, 1989.

HIBBARD of Madison

(House File 142)

I move to reconsider the vote by which House File 142 passed the House on April 3, 1989.

HALVORSON of Clayton

(House File 490)

I move to reconsider the vote by which House File 490 passed the House of April 3, 1989.

BEATTY of Warren

(House File 490)

I move to reconsider the vote by which House File 490 passed the House on April 3, 1989.

HALVORSON of Webster

(House File 748)

I move to reconsider the vote by which House File 748 passed the House on April 3, 1989.

JAY of Appanoose

(House File 748)

I move to reconsider the vote by which House File 748 passed the House on April 3, 1989.

HIBBARD of Madison

### 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, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 132, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 315, a bill for an act relating to the delivery of controlled substances, and providing a penalty.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act relating to the renewal of permits for regulated uses of water.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 426, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, and providing penalties.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 441, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act.

Also: That the Senate has on April 3, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 503, a bill for an act relating to alimony.

JOHN F. DWYER, Secretary

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3, 1989, he approved and transmitted to the Secretary of State the following bill:

Senate File 105, a bill for an act relating to the reporting of abuse of children and dependent adults.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Friday afternoon March 31, 1989. Had I been present, I would have voted "aye" on House Files 282 and 740; and "nay" of House File 720.

KOENIGS of Mitchell

I was necessarily absent from the House chamber on March 31, 1989. Had I been present, I would have voted "aye" on House File 740 and "nay" on House File 720.

PONCY of Wapello

I was necessarily absent from the House chamber on March 31, 1989. Had I been present, I would have voted "aye" on House Files 688, 722, 572, 735, 686, 556, and 740; and "nay" on House File 720.

ROYER of Page

I was necessarily absent from the House chamber on March 31, 1989. Had I been present, I would have voted "aye" on House Files 282, 556, 686, 688, 722, 735, and 740; and "nay" on House Files 572 and 720.

SIEGRIST of Pottawattamie

I was necessarily absent from the House chamber on Friday afternoon, March 31, 1989. Had I been present, I would have voted "aye" on House Files 720 and 740.

SVOBODA of Tama

### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

#### CITIZENS' AIDE/OMBUDSMAN

The annual report of the Citizens' Aide/Ombudsman for calendar year 1988, pursuant to Chapter 601G.18, Code of Iowa.

#### DEPARTMENT OF EDUCATION

The 1988 Report of the Child Development Coordinating Council, pursuant to Chapter 256A.3(8), Code of Iowa.

#### HIGH TECHNOLOGY COUNCIL

A Report of the Iowa High Technology Council for Projects Funded from 1984-86, pursuant to Chapter 28.52, Code of Iowa.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Five Girl Scouts from Andrew High School, Andrew, accompanied by Joyce Till and Hazel Cornelius. By Tabor of Jackson.

Seven eighth grade students from St. Athanasius School, Jesup, accompanied by Jan Soldwish, Pat Weber and Carol Westphal. By Kremer of Buchanan.

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

JOSEPH O'HERN

Chief Clerk of the House

- |         |   |
|---------|---|
| 1989-43 | Regina High Boys Basketball Team, Iowa City — For participation in the 1989 IHAA Class 1A Boys State Basketball Tournament.         |
| 1989-44 | City High Boys Basketball Team, Iowa City — For being the 1989 IHAA Class 3A Champions.   |
| 1989-45 | The Boys Basketball Team, Colo-Nesco High School — For their prestigious showing in the 1989 Iowa State Boys Basketball Tournament. |

- 1989-46 Matt Vaske, Colo-Nesco High School — For being named to the 1989 Iowa State High School Boys Basketball All-Tournament Team.
- 1989-47 Wayne Larsen, Colo-Nesco High School — For receiving the Student Athlete Leadership Award at the 1989 Iowa State High School Boys Basketball Tournament.
- 1989-48 Brian Wildeboer, Colo-Nesco High School — For being selected Captain of the 1989 Iowa State High School Boys Basketball All-Tournament Team.
- 1989-49 Jeannie Demers Henningsen, Storm Lake — For being inducted into the Iowa Girls High School Basketball Hall of Fame.
- 1989-50 Steve Eddie, Storm Lake — For leading the state of Iowa in season scoring, first All State Basketball Team by the Iowa Newspaper Association, Des Moines Register fifth All State Team, first team All Northwest Iowa by the Sioux City Journal and S. L. Register All Area Team.
- 1989-51 The Girls Basketball Team, Dubuque Senior High — For participating in the Iowa Girls High School Basketball Tournament.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 81**

Small Business and Commerce: Doderer, Chair; Chapman and Renken.

**Senate File 199**

Human Resources: Teaford, Chair; Haverland, Kistler, Nielsen and Spenner.

**Senate File 231**

Small Business and Commerce: Shoning, Chair; Hibbard and Holveck.

**Senate File 255**

Small Business and Commerce: Groninga, Chair; Halvorson of Clayton and Jesse.

**Senate File 272**

Small Business and Commerce: Brammer, Chair; Doderer and Shoning.

**Senate File 280**

Small Business and Commerce: Doderer, Chair; Blanshan and Metcalf.

**Senate File 291**

Small Business and Commerce: Hansen of Woodbury, Chair; Renken and Shoultz.

**Senate File 332**

Small Business and Commerce: Hibbard, Chair; Doderer and Kremer.

**Senate File 412**

Human Resources: Harper, Chair; Brown, Hermann and Kistler.

**Senate File 445**

Small Business and Commerce: Brammer, Chair; Bisignano and Trent.

**Senate File 460**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**Senate File 475**

Small Business and Commerce: Holveck, Chair; Hibbard and Kremer.

**Senate File 486**

Judiciary and Law Enforcement: McKinney, Chair; Plasier and Poncy.

**Senate File 494**

Judiciary and Law Enforcement: Chapman, Chair; Beatty and Trent.

**Senate File 498**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and McKinney.

**Senate File 502**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Brammer and Shoning.

**AMENDMENTS FILED**

H-3764	H.F.	209	Lundby of Linn
H-3765	H.F.	209	Lundby of Linn
H-3766	H.F.	209	Lundby of Linn
H-3767	H.F.	209	Lundby of Linn
H-3768	H.F.	209	Lundby of Linn
H-3769	H.F.	209	Lundby of Linn
H-3770	H.F.	209	Lundby of Linn
H-3771	H.F.	209	Lundby of Linn
H-3772	H.F.	209	Lundby of Linn
H-3773	H.F.	680	Harper of Black Hawk
H-3774	S.F.	363	Corbett of Linn
H-3775	H.F.	654	Van Maanen of Mahaska
H-3776	H.F.	654	Van Maanen of Mahaska
H-3777	H.F.	654	Van Maanen of Mahaska
H-3778	H.F.	654	Van Maanen of Mahaska
H-3779	H.F.	573	Eddie of Buena Vista
H-3780	S.F.	124	Spenner of Henry Tyrrell of Iowa
H-3781	S.F.	124	Holveck of Polk
H-3782	H.F.	738	Hanson of Delaware Bisignano of Polk
H-3783	H.F.	705	Swartz of Marshall Groninga of Cerro Gordo

H—3784	H.F.	739	Chapman of Linn
H—3785	H.F.	734	Koenigs of Mitchell
H—3786	H.F.	620	Spear of Lee
H—3787	H.F.	724	Jay of Appanoose
H—3788	H.F.	156	Stromer of Hancock
H—3789	H.F.	156	Stromer of Hancock
H—3790	S.F.	363	Harbor of Mills Halvorson of Clayton
H—3791	H.F.	724	Muhlbauer of Crawford
H—3792	H.F.	373	Corbett of Linn
H—3793	H.F.	142	Halvorson of Clayton Harbor of Mills Renken of Grundy
H—3794	H.F.	433	Fogarty of Palo Alto

On motion by Arnould of Scott, the House adjourned at 5:36 p.m., until 8:30 a.m., Tuesday, April 4, 1989.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 4, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bradley C. Banks, state representative from Plymouth County.

The Journal of Monday, April 3, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper and Brown of Lucas on request of Hibbard of Madison, both until their arrival.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Fogarty of Palo Alto, from Clay County constituents.

By Groninga of Cerro Gordo, from fifty-five residents.

By Johnson of Winneshiek, from one hundred eighty-seven constituents.

By Lykam of Scott, from ninety-eight residents.

By Shoning of Woodbury, from fifty-five constituents.

## SENATE MESSAGES CONSIDERED

**Senate File 387**, by committee on agriculture, a bill for an act relating to the establishment of prices for nursery stock by the department of natural resources.

Read first time and referred to committee on **agriculture**.

**Senate File 390**, by committee on agriculture, a bill for an act relating to the transfer of agricultural land, by restricting the time land can be held by financial and insurance institutions, providing for valuation of land, the opportunity to repurchase land, for redemption, and providing effective dates and dates of applicability.

Read first time and referred to committee on **agriculture**.

**Senate File 435**, by committee on state government, a bill for an act relating to state licensing of asbestos professionals who perform work in schools.

Read first time and **passed on file**.

**Senate File 462**, by committee on commerce, a bill for an act relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit.

Read first time and referred to committee on **small business and commerce**.

**Senate File 469**, by committee on agriculture, a bill for an act relating to information required to be delivered to a warehouse operator upon the termination of a receivership over an agricultural products warehouse.

Read first time and referred to committee on **agriculture**.

**Senate File 508**, by committee on judiciary, a bill for an act relating to common liens on real or personal property and providing a remedy.

Read first time and referred to committee on **judiciary and law enforcement**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 401**, a bill for an act relating to the elimination of the limit on restitution which can be ordered of a person convicted of, or receiving a deferred judgment for, the offense of operating a motor vehicle while intoxicated, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3761 filed by him and moved its adoption:

H—3761

- 1 Amend House File 401 as follows:
- 2 1. Page 1, by striking lines 5 and 6 and
- 3 inserting the following: "to make restitution, in an
- 4 amount not to exceed ~~two~~ five thousand dollars, for
- 5 damages resulting".

Amendment H—3761 was adopted.

Corbett of Linn offered the following amendment H—3243 filed by him:

H—3243

1 Amend House File 401 as follows:

2 1. Page 1, by inserting after line 13 the  
3 following:

4 "Sec. 100. Section 321J.4, subsection 6, Code  
5 1989, is amended to read as follows:

6 6. If a license or permit to operate a motor  
7 vehicle of a person under the age of twenty-one is  
8 revoked or denied under this section or section 321J.9  
9 or 321J.12, the period of revocation or denial shall  
10 be the for a period provided for such a revocation of  
11 one year in addition to any other period of suspension  
12 or revocation, or until the defendant reaches the age  
13 of eighteen twenty-one, whichever period is longer.

14 Sec. \_\_\_\_\_. Section 100 of this Act applies to any  
15 judicial or administrative action which arises due to  
16 a violation of chapter 321J or an implementing rule,  
17 which violation occurs on or after the effective date  
18 of this Act."

Chapman of Linn rose on a point of order that amendment  
H—3243 was not germane.

The Speaker ruled the point well taken and amendment H—3243  
not germane.

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. 401)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	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	Hibbard	Holveck	Jay
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renaud

Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brown	Doderer	Groninga	Jesse
Jochum	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 573**, a bill for an act relating to civil service medical examinations and providing an effective date, was taken up for consideration.

Eddie of Buena Vista offered the following amendment H—3779 filed by him and moved its adoption:

H—3779

- 1 Amend House File 573 as follows:
- 2 1. Page 1, line 19, by striking the word "only".

Amendment H—3779 was adopted.

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?" (H.F. 573)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	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	Hibbard	Holveck	Jay
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney

Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brown	Doderer	Groninga	Jesse
Jochum	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 724**, a bill for an act relating to the survey of land including the practice of land surveying and the preparation, recording, and vacation of plats, and subjecting violators to civil penalties, was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3791 filed by him and moved its adoption:

H—3791

- 1 Amend House File 724, as follows:
- 2 1. Page 8, line 1, by inserting after the word
- 3 "to" the following: "at least".
- 4 2. Page 8, lines 1 and 2, by striking the word
- 5 "one-hundredth" and inserting the following: "one-
- 6 tenth".
- 7 3. Page 9, by striking lines 11 through 15 and
- 8 inserting the following: "definite and unequivocal
- 9 identification of the property lines or boundaries.
- 10 The description shall be sufficient to enable the
- 11 description to be platted and retraced. The
- 12 description shall commence at or relate to a
- 13 physically monumented corner or boundary line of
- 14 record."
- 15 4. Page 9, line 18, by striking the word "and"
- 16 and inserting the following: "or".
- 17 5. Page 16, line 7, by inserting after the figure
- 18 "3" the following: "or where either of the two parts
- 19 after being divided is ten acres or less and the
- 20 county auditor determines that the metes and bounds
- 21 description is adequate and a survey and plat of

22 survey are not necessary”.

23 6. Page 16, by striking line 20.

24 7. Page 16, line 21, by striking the letter “e.”  
25 and inserting the following: “d.”

26 8. Page 16, line 24, by inserting after the word  
27 “survey” the following: “according to section 441.29  
28 for real estate tax administration purposes”.

29 9. Page 16, by striking lines 25 through 30 and  
30 inserting the following: “The surveyor shall not  
31 assign parcel letters unless the parcel was surveyed  
32 by the surveyor in compliance with chapter 114A.”

33 10. Page 17, line 34, by striking the words “also  
34 be shown” and inserting the following: “be shown  
35 only”.

36 11. Page 19, lines 12 and 13, by striking the  
37 words “when required by ordinance of the governing  
38 body or”.

39 12. Page 20, line 16, by inserting after the word  
40 “shown” the following: “only”.

41 13. Page 20, lines 34 and 35, by striking the  
42 words “, which has adopted ordinances regulating the  
43 division of land,”.

44 14. Page 21, by striking lines 4 through 6 and  
45 inserting the following: “Governing”.

46 15. Page 21, line 7, by inserting after the word  
47 “conditions” the following: “in accordance with  
48 applicable statutes”.

49 16. Page 21, line 8, by inserting after the word  
50 “body” the following: “, within sixty days of

## Page 2

1 submission of the proposed subdivision plat.”.

2 17. Page 21, by striking line 17 and inserting  
3 the following: “conditions established by the  
4 governing body, and conforms”.

5 18. Page 25, by striking lines 29 through 31 and  
6 inserting the following: “appeal shall be tried de  
7 novo as an equitable proceeding.”

8 19. Page 36, by striking lines 4 through 7.

9 20. By renumbering as necessary.

Amendment H—3791 was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3787 filed by him on April 3, 1989.

Muhlbauer of Crawford offered the following amendment H—3645 filed by him:

H—3645

1 Amend House File 724 as follows:

- 2 1. Page 16, line 2, by striking the figure
- 3 "409A.12" and inserting the following: "409A.13".
- 4 2. Page 22, line 4, by inserting after the word
- 5 "land," the following: "and".
- 6 3. Page 29, line 27, by striking the word "State-
- 7 owned" and inserting the following: "state-owned".

Muhlbauer of Crawford offered the following amendment H—3796, to amendment H—3645 filed by him from the floor and moved its adoption:

H—3796

- 1 Amend the amendment, H—3645, to House File 724, as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_\_\_. Page 13, by striking line 12 and inserting
- 6 the following: "within the scope of, but not limited
- 7 to, chapters 331, 358A, 364, 409A, and 414." "
- 8 2. By renumbering as necessary.

Amendment H—3796 was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3728, to amendment H—3645, filed by him on March 30, 1989.

On motion by Muhlbauer of Crawford, amendment H—3645, 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. 724)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer

Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Doderer	Groninga	Hatch	Jesse
Jochum			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 737**, a bill for an act requiring public corporations to pay the interest earned on investments of retained funds to public improvement construction contractors, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—3746 filed by him and moved its adoption:

H—3746

- 1 Amend House File 737 as follows:
- 2 1. Page 1, by striking line 8 and inserting the
- 3 following:
- 4 "b. If a public corporation other than a county or
- 5 city invests the retained funds,".
- 6 2. Title page, line 1, by inserting after the
- 7 word "requiring" the following: "certain".

Amendment H—3746 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. 737)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer

Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Doderer	Jesse	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.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 401, 573, 724 and 737.

**House File 705**, a bill for an act establishing primary and satellite research and marketing centers for economic development programs and services, was taken up for consideration.

Swartz of Marshall offered the following amendment H-3712 filed by him:

H-3712

- 1 Amend House File 705 as follows:
- 2 1. Page 1, by striking lines 17 through 23 and
- 3 inserting the following:
- 4 "b. Provide for a joint agreement on employment of
- 5 a director and other personnel, specific job duties,
- 6 wages and benefits, supervisory responsibilities of
- 7 the department and procedures for evaluation,
- 8 promotion, and termination.
- 9 c. Provide for designation by the regional

10 coordinating council of a local entity to provide  
11 facilities and other support services to the satellite  
12 center director.

13 d. Contain an annual budget related to agreed upon  
14 programs and services, and provisions for transfer of  
15 funds from the state to the regional coordinating  
16 council or its designated service entities."

17 2. Page 3, line 12, by inserting after the word  
18 "shall" the following: "consist of at least twelve  
19 members which shall".

20 3. Page 3, line 20, by striking the words "for  
21 ninety days".

22 4. Page 3, by striking lines 21 through 26 and  
23 inserting the following: "established and approved by  
24 the department. If the boundary of the new area  
25 development district will present a significant change  
26 in the existing regional coordinating council  
27 boundary, the existing regional coordinating council  
28 and the council of governments of the new area shall  
29 select a representative committee to make a  
30 recommendation to the department on representation  
31 under this part. If no agreement is reached within  
32 ninety days after the effective date of this part, the  
33 department shall direct the establishment of a  
34 regional coordinating council for the new area."

35 5. Page 4, line 7, by striking the word  
36 "economic" and inserting the following: "community  
37 development".

38 6. Page 4, line 18, by inserting after the word  
39 "including" the following: "but not limited to".

40 7. Page 4, lines 24 and 25, by striking the words  
41 "may recommend these issues be included" and inserting  
42 the following: "shall consider these issues for  
43 inclusion".

44 8. Page 4, line 25, by striking the word  
45 "economic" and inserting the following: "community".

46 9. Page 4, by striking lines 30 through 32 and  
47 inserting the following: "development district. The  
48 council of governments shall provide planning services  
49 and technical assistance in community development and  
50 economic development to cities, clusters of cities,

## Page 2

1 and counties in the area."

2 10. Page 5, lines 5 and 6, by striking the words  
3 "or to a political subdivision in that area".

4 11. Page 5, by striking lines 30 through 33 and  
5 inserting the following:

6 "5. Merged area school boards shall report any job  
7 training or retraining provided directly to a business  
8 within an area development district to the appropriate

9 regional coordinating council, council of governments,  
10 and affected city and county.”

11 12. Page 5, by inserting before line 34 the  
12 following:

13 “6. Each city and county shall report any proposed  
14 tax abatement, special tax district, or property  
15 valuation change to the merged area school, regional  
16 coordinating council and council of governments within  
17 the area.”

18 13. Page 6, by striking lines 7 through 23 and  
19 inserting the following:

20 “1. Acting as an area representative and advocate  
21 of the department’s programs for business through  
22 delivery of the programs to the appropriate area  
23 business.

24 2. Functioning as a clearinghouse and referral  
25 center for information on business assistance  
26 services.

27 3. Coordinating delivery of economic development  
28 services to a business within the area by convening  
29 regular meetings of appropriate providers within the  
30 area.

31 4. Assisting the regional coordinating council in  
32 preparing and implementing an annual regional economic  
33 development work plan for delivery of services to  
34 businesses.

35 5. Overseeing the satellite center’s computer  
36 system and computer data input, and maintaining and  
37 updating information, including the catalog of  
38 products and services, business profiles, the rural  
39 information and referral system, community data, trade  
40 lead data, and other relevant data systems or networks  
41 available from the department or other sources.

42 6. Implementing the “try Iowa” trade lead program  
43 and the international trade opportunities program of  
44 the department.

45 7. Performing other related duties and  
46 responsibilities assigned to the satellite center by  
47 the primary center.”

48 14. Page 6, by striking lines 29 through 31 and  
49 inserting the following:

50 “2. A city, cluster of cities, or county seeking

**Page 3**

1 grants or awards from the state or utilizing any tax  
2 abatement provisions and programs shall be required to  
3 complete the community builder program. The city,  
4 cluster of cities, or county shall submit the  
5 community”.

6 15. Page 6, line 33, by inserting after the word  
7 “for” the following: “review and”.

- 8 16. Page 7, line 1, by striking the word "cities"  
9 and inserting the following: "cities, clusters of  
10 cities".
- 11 17. Page 7, line 3, by striking the word "cities"  
12 and inserting the following: "cities, clusters of  
13 cities".
- 14 18. Page 7, line 7, by striking the word "city"  
15 and inserting the following: "city or cluster of  
16 cities".
- 17 19. Page 7, line 9, by striking the word "city"  
18 and inserting the following: "city, cluster of  
19 cities,".
- 20 20. Page 7, line 11, by striking the word "city"  
21 and inserting the following: "city, cluster of  
22 cities,".
- 23 21. Page 7, line 14, by striking the word "city"  
24 and inserting the following: "city, cluster of  
25 cities".
- 26 22. Page 7, line 19, by inserting after the word  
27 "plan." the following: "The department shall develop  
28 a plan designed to meet the needs of the various  
29 communities in each population category under  
30 subsection 2 of this section.
- 31 23. Page 7, by striking line 27 and inserting the  
32 following:  
33 "e. Participation in a regional economic  
34 development plan."
- 35 24. Page 8, line 1, by inserting after the word  
36 "city," the following: "cluster of cities,".
- 37 25. Page 8, line 5, by inserting after the word  
38 "city" the following: "or cluster of cities".
- 39 26. Page 8, line 6, by inserting after the word  
40 "city" the following: "or cluster of cities".
- 41 27. Page 8, line 10, by striking the word  
42 "communities" and inserting the following "cities".
- 43 28. Page 8, line 13, by inserting after the word  
44 "city" the following: "or cluster of cities".
- 45 29. Page 8, line 16, by inserting after the word  
46 "funding," the following: "The department shall  
47 consult with the regional coordinating council before  
48 a waiver is granted."
- 49 30. Page 8, by striking lines 17 through 23 and  
50 inserting the following:

**Page 4**

- 1 "5. The department may contract with the councils  
2 of governments to provide technical assistance to  
3 cities, clusters of cities, counties or unincorporated  
4 communities participating in the community builder  
5 program."  
6 31. Page 8, line 24, by inserting after the word

- 7 "city" the following: "or cluster of cities or county  
 8 on behalf of an unincorporated community".  
 9 32. Page 8, by striking line 25 and inserting the  
 10 following: "year following the enactment of this  
 11 section unless the city or cluster of cities or county  
 12 on behalf of an unincorporated community or".  
 13 33. Page 8, by inserting before line 28 the  
 14 following:  
 15 "7. The department shall develop a review  
 16 procedure pursuant to administrative rule to determine  
 17 substantial financial participation by the city or  
 18 cluster of cities or county or unincorporated  
 19 community including but not limited to the following:  
 20 a. Local tax rates.  
 21 b. Local fees and assessments.  
 22 c. The average income for the city or county in  
 23 comparison to the average income of the state.  
 24 d. The average taxable valuations for the city or  
 25 county in comparison to the average taxable valuation  
 26 of the state."  
 27 34. By striking page 8, line 34, through page 9,  
 28 line 2.  
 29 35. Page 9, line 16, by striking the word "shall"  
 30 and inserting the following: "may".  
 31 36. Page 9, line 20, by striking the words "by  
 32 the council of governments".  
 33 37. Page 9, line 21, by inserting after the word  
 34 "cities" the following: ", clusters of cities,  
 35 unincorporated communities".  
 36 38. Page 9, line 24, by inserting after the word  
 37 "council" the following: "and council of  
 38 governments".  
 39 39. Page 9, line 31, by striking the words "or  
 40 business".  
 41 40. Page 9, line 32, by inserting after the word  
 42 "provide" the following: "assistance to business.  
 43 The assistance must be in the form of".  
 44 41. Page 9, line 34, by striking the words  
 45 "service delivery area." and inserting the following:  
 46 "area development district and shall not be used to  
 47 assist a business relocating within Iowa. Violation  
 48 of this subsection may cause the department pursuant  
 49 to administrative rule to close the fund to assistance  
 50 for businesses."

**Page 5**

- 1 42. Page 10, line 11, by striking the words ", in  
 2 cooperation with" and inserting the following: "and".  
 3 43. Page 10, lines 13 and 14, by striking the  
 4 words "and submit it to the department for approval".  
 5 44. Page 10, by striking lines 26 through 34 and

- 6 inserting the following:
- 7 "5. The regional coordinating councils and  
8 councils of governments may enter into a chapter 28E  
9 agreement to provide for projects involving two or  
10 more area development districts."
- 11 45. By striking page 10, line 35, through page  
12 11, line 5, and inserting the following:
- 13 "6. The regional coordinating council and council  
14 of governments may establish a loan board."
- 15 46. Page 11, line 25, by striking the words  
16 "school district" and inserting the following:  
17 "~~school district~~ merged area school".
- 18 47. Page 11, line 32, by striking the words  
19 "school districts" and inserting the following:  
20 "~~school districts~~ merged area schools".
- 21 48. Page 14, line 29, by inserting after the word  
22 "counties," the following: "merged area schools".
- 23 49. Page 15, line 24, by inserting after the word  
24 "counties" the following: "merged area schools,  
25 regional coordinating councils".
- 26 50. Page 16, lines 27 and 28, by striking the  
27 words "school districts" and inserting the following:  
28 "~~school districts~~ merged area schools".
- 29 51. Page 17, line 10, by striking the words  
30 "school districts" and inserting the following:  
31 "~~school districts,~~ merged area schools, regional  
32 coordinating councils".
- 33 52. By renumbering as necessary.

Swartz of Marshall offered the following amendment H—3718, to amendment H—3712, filed by him and moved its adoption:

H—3718

- 1 Amend amendment, H—3712, to House File 705 as  
2 follows:
- 3 1. Page 1, by inserting after line 16 the fol-  
4 lowing:
- 5 "\_\_\_\_\_. Page 3, line 9, by inserting after the word  
6 "district." the following: "However, cities and  
7 counties are not required to accept planning services  
8 and technical assistance from a council of  
9 governments." "
- 10 2. Page 1, line 49, by striking the word "and".
- 11 3. Page 1, line 50, by striking the words  
12 "economic development".
- 13 4. Page 2, line 28, by striking the words "a  
14 business" and inserting the following: "businesses".
- 15 5. Page 3, line 48, by inserting after the word  
16 "granted." the following: "Cities, clusters of  
17 cities, or counties may apply for state competitive  
18 funds prior to the dates for certification of a

- 19 community builder program as set out in subsection 2.  
 20 A city, cluster of cities, or county may be awarded  
 21 state competitive funds after the dates set out in  
 22 subsection 2 only upon certification of a community  
 23 builder program or pursuant to subsection 6."  
 24 6. By renumbering as necessary.

Amendment H—3718 was adopted.

Swartz of Marshall offered the following amendment H—3783, to amendment H—3712, filed by him and Groninga of Cerro Gordo and moved its adoption:

H—3783

- 1 Amend amendment, H—3712, to House File 705, as  
 2 follows:  
 3 1. Page 1, by inserting before line 17 the  
 4 following:  
 5 "\_\_\_\_\_. Page 2, by striking lines 23 through 25 and  
 6 inserting the following: "as nearly as practical  
 7 follow the boundaries of the existing regional  
 8 coordinating councils. Each regional coordinating  
 9 council shall recommend to the department boundaries  
 10 for the area development districts based upon county  
 11 lines. The department shall as nearly as possible  
 12 conform to the regional coordinating council  
 13 recommendations for forming boundaries." "  
 14 2. Page 1, by inserting before line 35 the  
 15 following:  
 16 "\_\_\_\_\_. By striking page 3, line 35 through page 4,  
 17 line 2, and inserting the following:  
 18 "6. The regional coordinating council and". "  
 19 3. Renumber as necessary.

Amendment H—3783 was adopted.

Bennett of Ida offered the following amendment H—3722, to amendment H—3712, filed by him and moved its adoption:

H—3722

- 1 Amend amendment, H—3712, to House File 705, as  
 2 follows:  
 3 1. Page 3, by inserting before line 26 the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, by inserting before line 16 the  
 6 following:  
 7 "A city with a population under twenty-five hundred  
 8 may elect to join with the county in which the city is  
 9 located in the completion of a community builder  
 10 program. A city which elects to join with the county  
 11 in the completion of a community builder program shall

- 12 participate in the completion of the program and shall  
 13 provide the necessary information to the county for  
 14 the completion of the community builder program.” ”  
 15 2. By renumbering as necessary.

Amendment H—3722 was adopted.

On motion by Swartz of Marshall, amendment H—3712, as amended, was adopted.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 705)

The ayes were, 72:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Clark
Cphoon	Connolly	Connors	Daggett
Diemer	Doderer	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poney
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 26:

Banks	Beaman	Bennett	Branstad
Carpenter	Corbett	De Groot	Eddie
Garman	Harbor	Kistler	Lageschulte
Maulsby	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Shoultz	Spanner
Stromer	Van Maanen		

Absent or not voting, 2:

Dvorsky	Hermann
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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 705)

Arnould of Scott asked and received unanimous consent to immediately message House File 705 to the Senate.

The House resumed consideration of **House File 156**, a bill for an act relating to the separation of workers' compensation insurance premiums into two parts, previously deferred.

Tyrrell of Iowa offered the following amendment H—3569 filed by him and Halvorson of Clayton and moved its adoption:

H—3569

- 1 Amend House File 156 as follows:
- 2 1. Page 1, by striking everything after the
- 3 enacting clause and inserting the following:
- 4 "Section 1. WORKERS' COMPENSATION STUDY. The
- 5 legislative council is requested to establish an
- 6 interim study committee to conduct a comprehensive
- 7 study of the existing workers' compensation insurance
- 8 law. The study shall include but not be limited to
- 9 current needs in the areas of deregulation of workers'
- 10 compensation insurance and the splitting of workers'
- 11 compensation insurance premiums into two parts, one
- 12 part relating to payment of medical costs based on
- 13 hours worked and one part relating to payment of all
- 14 other workers' compensation-related benefits based on
- 15 payroll. The committee shall consist of legislators
- 16 of both houses and be bipartisan in composition. The
- 17 committee shall develop recommendations to submit in a
- 18 report to the legislative council and the members of
- 19 the general assembly which convenes in 1990."

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall amendment H—3569 be adopted?"  
(H.F. 156)

The ayes were, 38:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Renken
Royer	Schnekloth	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jochum	Johnson	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Avenson, Spkr.			

Absent or not voting, 5:

Blanshan	Jesse	Knapp	Plasier
Shearer			

Amendment H — 3569 lost.

McKinney of Dallas in the chair at 10:55 a.m.

Ollie of Clinton offered the following amendment H — 3759 filed by him:

H — 3759

- 1 Amend House File 156 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "employer" the following: "in the construction in-
- 4 dustry, as defined in the rules of the division of job
- 5 service of the department of employment services,".

Stromer of Hancock offered the following amendment H — 3788, to amendment H — 3759, filed by him and moved its adoption:

H — 3788

- 1 Amend the amendment, H — 3759, to House File 156, as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "services," the following: "if the employer is a
- 5 recipient of funds under a public construction
- 6 project,".

Roll call was requested by Stromer of Hancock and Carpenter of Polk.

Rule 75 was invoked.

On the question "Shall amendment H—3788, to amendment H—3759, be adopted?" (H.F. 156)

The ayes were, 40:

Banks	Beamam	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stromer
Stueland	Trent	Tyrrell	Van Maanen

The nays were, 59:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohon	Connolly	Connors	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lykam	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	McKinney	
		Presiding	

Absent or not voting, 1:

May

Amendment H—3788 lost.

Speaker Avenson in the chair at 11:24 a.m.

Stromer of Hancock offered the following amendment H—3789, to amendment H—3759, filed by him and moved its adoption:

H—3789

- 1 Amend the amendment, H—3759, to House File 156 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "services," the following: "whose employees are
- 5 members of a labor organization, as defined in section
- 6 601A.2, subsection 4,".

A non-record roll call was requested.

The ayes were 37, nays 51.

Amendment H—3789 lost.

Ollie of Clinton moved the adoption of amendment H—3759.

Roll call was requested by Sherzan of Polk and Ollie of Clinton.

On the question “Shall amendment H—3759 be adopted?”  
(H.F. 156)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lykam	May	McKinney
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shultz	Spear	Swartz
Tabor	Teaford	Wise	Mr. Speaker Avenson

The nays were, 34:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Halvorson, R. A.	Hanson, D. R.
Harbor	Hester	Kistler	Kremer
Lundby	Maulsby	McKean	Metcalf
Miller	Pellett	Petersen, D. F.	Plasier
Royer	Schneklath	Shoning	Siegrist
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

Absent or not voting, 10:

Blanshan	Branstad	Garman	Hermann
Koenigs	Lageschulte	Mertz	Neuhauser
Renken	Svoboda		

Amendment H—3759 was adopted.

Ollie of Clinton asked and received unanimous consent to reconsider the vote by which the committee amendment H—3264, found on page 969 of the House Journal, was adopted by the House on March 23, 1989.

Ollie of Clinton asked and received unanimous consent to withdraw the committee amendment H—3264.

Ollie of Clinton asked and received unanimous consent to reconsider the vote by which amendment H—3266, found on page 969 of the House Journal, was adopted by the House on March 23, 1989.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—3266.

Miller of Cherokee asked for unanimous consent to withdraw House File 156 from further consideration by the House.

Objection was raised.

Maulsby of Calhoun moved that House File 156 be deferred.

A non-record roll call was requested.

The ayes were 35, nays 50.

The motion to defer lost.

Stromer of Hancock rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on House File 156.

The Speaker ruled the point not well taken and a fiscal note not required.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 156)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Doderer	Dvorsky
Fey	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Lykam	May
McKinney	Muhlbauer	Neuhauser	Nielsen
Ollie	Pavich	Peters	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker
			Avenson

The nays were, 40:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Fogarty	Groninga
Halvorson, R. A.	Hanson, D. R.	Harbor	Hester
Kistler	Knapp	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Osterberg	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Royer	Schneklloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Tabor	Trent	Tyrrell	Van Maanen

Absent or not voting, 8:

Branstad	Fuller	Garman	Hermann
Koenigs	Lageschulte	Mertz	Renken

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### OBJECTION TO IMMEDIATE MESSAGE (House File 156)

Arnould of Scott asked for unanimous consent to immediately message House File 156 to the Senate.

Objection was raised.

#### MOTION TO RECONSIDER LOST (House File 156)

Arnould of Scott moved to reconsider the vote by which House File 156 passed the House on April 4, 1989.

A non-record roll call was requested.

The ayes were 31, nays 52.

The motion to reconsider lost.

#### SPECIAL PRESENTATION

Trent of Muscatine presented to the House the following students from Germany who are attending school at Muscatine High School under the German American Partnership Program: Marija Bakker, Susanne Brueggemann, Marco Buentzow, Thomas Endelmann, Anne Flessner, Theo Flessner, Maika Fischer, Lars Folkerts, Ubbo Neelen, Jeelka Reinhardt, Inga Seele, Joern Tongers, Gunnar Wilken and Felix Schwartz who is a Rotary Exchange Student. They were accompanied by their teachers Angelika Niemeyer and Gobi Gausemann and the Honorable Walter Conlon, former member of the House representing Muscatine County.

The House rose and expressed its welcome.

REFERRED TO COMMITTEE ON WAYS AND MEANS  
(Senate File 280)

The Speaker announced that Senate File 280, previously referred to the committee on **small business and commerce**, was referred to the 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 April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 375, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 396, a bill for an act relating to criminal offenses, by providing for the distribution of the presentence investigation report to counsel, providing for review of an offender's record, for revocation of an offender's parole, and for victim notification and registration.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 12:42 p.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-three members present, twenty-seven absent.

CONSIDERATION OF BILLS

Regular Calendar

**House File 732**, a bill for an act requiring county treasurers to refuse renewals of vehicle registrations when notified that a person has not paid certain fines, unsecured appearance bonds, costs, or surcharges, was taken up for consideration.

Svoboda of Tama offered the following amendment H—3711 filed by her and Van Maanen of Mahaska:

H-3711

1 Amend House File 732 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 321.1, Code 1989, is amended by  
5 adding the following new subsections:

6 NEW SUBSECTION. 89. "Liability insurance  
7 coverage" means any of the following:

8 a. An owner's policy of liability insurance which  
9 is issued by an insurance carrier authorized to do  
10 business in Iowa to or for the benefit of the person  
11 named in the policy as insured, and insuring the  
12 person named as insured and any person using an  
13 insured motor vehicle with the express or implied  
14 permission of the named insured against loss from  
15 liability imposed by law for damages arising out of  
16 the ownership, maintenance, or use of an insured motor  
17 vehicle within the United States of America or the  
18 Dominion of Canada, but subject to minimum limits,  
19 exclusive of interest and costs, in the amounts  
20 specified in section 321A.21 or specified in another  
21 provision of the Code, whichever is greater.

22 b. A bond filed with the director pursuant to  
23 section 321A.24.

24 c. A valid certificate of deposit of money or  
25 security issued by the treasurer of state pursuant to  
26 section 321A.25.

27 d. A valid certificate of self-insurance issued by  
28 the director pursuant to section 321A.34."

29 2. Page 1, by inserting after line 11, the  
30 following:

31 "Sec. \_\_\_\_\_. NEW SECTION. 321.40A PROOF OF  
32 LIABILITY INSURANCE REQUIRED.

33 Commencing January 1, 1990, before issuing a  
34 registration for a motor vehicle, the county treasurer  
35 shall verify that the applicant has submitted proof of  
36 liability insurance coverage in accordance with rules  
37 adopted by the department. If proof is not submitted,  
38 registration shall not be issued. Proof of liability  
39 insurance coverage is not required for issuance of a  
40 certificate of title. This section does not apply to  
41 proportional registrations, under chapter 326.

42 Sec. \_\_\_\_\_. Section 321.30, Code 1989, is amended by  
43 adding the following new subsection preceding the last  
44 unnumbered paragraph:

45 NEW SUBSECTION. 12. If the application is for the  
46 registration of a motor vehicle and the application  
47 does not include proof of liability insurance coverage  
48 as required under section 321.40A. However, proof of  
49 liability insurance is not required for issuance of a  
50 certificate of title."

## Page 2

- 1 3. Title page, line 3, by inserting after the
- 2 word "surcharges" the following: "or upon failure to
- 3 show proof of liability insurance".

Muhlbauer of Crawford rose on a point of order that amendment H—3711 was not germane.

The Speaker ruled the point well taken and amendment H—3711 not germane.

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. 732)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	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	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosierberg	Royer	Schneklouth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Blanshan	Clark	Halvorson, R. A.	Hermann
Hibbard			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Beatty of Warren in the chair at 1:43 p.m.

**House File 522**, a bill for an act relating to the filling of a vacancy on the county board of supervisors, with report of committee recommending passage was taken up for consideration.

Connors of Polk offered the following amendment H—3579 filed by him and moved its adoption:

H—3579

1 Amend House File 522 as follows:

2 1. Page 1, line 16, by striking the word "or" and  
3 inserting the following: "unless an election is  
4 called".

5 2. Page 1, by striking lines 22 through 30 and  
6 inserting the following:

7 "1. When a vacancy exists on the board of  
8 supervisors, the committee of county officers  
9 designated to fill the vacancy shall publish notice as  
10 provided in section 331.305 indicating the method,  
11 appointment or special election, by which the  
12 committee intends to fill the vacancy. If appointment  
13 is selected by the committee, the appointment may be  
14 made after the notice is published. However, if  
15 within fourteen days after the date of the notice or  
16 within fourteen days after the appointment is made,  
17 whichever date is later, a petition requesting a  
18 special election to fill the vacancy is filed with the  
19 county auditor, the appointment is temporary and a  
20 special election shall be called as provided in  
21 subsection 2. The petition shall meet the re-  
22 quirements of section 331.306.

23 2. The committee of county officers may, on its  
24 own motion, or shall, upon receipt of a petition as  
25 provided in subsection 1, call for a special election  
26 to fill the vacancy in lieu of appointment if section  
27 69.13, subsection 2, does not apply. The committee  
28 shall order the special election at the earliest  
29 practicable date, but giving at least thirty days'  
30 notice of the election. A special election called  
31 under this section shall be held on a Tuesday and  
32 shall not be held on the same day as a school election  
33 within the county."

Amendment H—3579 was adopted.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 522)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Jay	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Beatty			
Presiding			

The nays were, 5:

Busignano	Black	Buhr	Hammond
Knapp			

Absent or not voting, 6:

Blanshan	Halvorson, R. A.	Hanson, D. R.	Holveck
Schrader	Tabor		

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 1:49 p.m.

**House File 248**, a bill for an act relating to corporations, by authorizing certain stock rights and options and corporate defenses against hostile takeovers and by permitting consideration by the board of directors of the impact of corporate decisions upon interested groups other than the corporation's shareholders, with report of committee recommending amendment and passage was taken up for consideration.

Trent of Muscatine offered the following amendment H—3304 filed by the committee on small business and commerce:

H—3304

1 Amend House File 248 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 491.101A POISON PILL  
5 DEFENSE AUTHORIZED.

6 The terms and conditions of stock rights or options  
7 issued by the corporation may include, without  
8 limitation, restrictions, or conditions that preclude  
9 or limit the exercise, transfer, or receipt of such  
10 rights or options by a person, or group of persons,  
11 owning or offering to acquire a specified number or  
12 percentage of the outstanding common shares or other  
13 securities of the corporation, or a transferee of the  
14 offeror, or that invalidate or void such stock rights  
15 or options held by an offeror or a transferee of the  
16 offeror.

17 Sec. \_\_\_\_\_. NEW SECTION. 491.101B CONSIDERATION OF  
18 COMMUNITY INTERESTS IN CONSIDERATION OF ACQUISITION  
19 PROPOSALS.

20 1. A director, in determining what is in the best  
21 interest of the corporation when considering a tender  
22 offer or proposal of acquisition, merger,  
23 consolidation, or similar proposal, may consider any  
24 or all of the following community interest factors, in  
25 addition to consideration of the effects of any action  
26 on shareholders:

27 a. The effects of the action on the corporation's  
28 employees, suppliers, creditors, and customers.

29 b. The effects of the action on the communities in  
30 which the corporation operates.

31 c. The long-term as well as short-term interests  
32 of the corporation and its shareholders, including the  
33 possibility that these interests may be best served by  
34 the continued independence of the corporation.

35 2. If on the basis of the community interest  
36 factors described in paragraph 1, the board of  
37 directors determines that a proposal or offer to  
38 acquire or merge the corporation is not in the best  
39 interests of the corporation, it may reject the  
40 proposal or offer. If the board of directors  
41 determines to reject any such proposal or offer, the  
42 board of directors has no obligation to facilitate, to  
43 remove any barriers to, or to refrain from impeding,  
44 the proposal or offer. Consideration of any or all of  
45 the community interest factors is not a violation of  
46 the business judgment rule or of any duty of the  
47 director to the shareholders, or a group of

48 shareholders, even if the director reasonably  
49 determines that a community interest factor or factors  
50 outweigh the financial or other benefits to the

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1 corporation or a shareholder or group of  
2 shareholders.”  
3 2. By renumbering as necessary.

Renken of Grundy offered the following amendment H—3311, to the committee amendment H—3304, filed by him and moved its adoption:

H—3311

1 Amend the amendment, H—3304, to House File 248 as  
2 follows:

3 1. Page 1, line 20, by inserting after the word  
4 “director” the following: “of a publicly traded  
5 corporation”.

6 2. Page 1, by inserting after line 34 the  
7 following:

8 “A corporation is publicly traded if an equity  
9 security of the corporation is publicly traded as  
10 described in section 502.102, subsection 14, paragraph  
11 “f.”

12 3. Page 1, line 37, by inserting after the word  
13 “directors” the following: “of a publicly traded  
14 corporation”.

Amendment H—3311 lost.

On motion by Trent of Muscatine, the committee amendment H—3304 was adopted.

Renken of Grundy offered the following amendment H—3337 filed by him and moved its adoption:

H—3337

1 Amend House File 248 as follows:

2 1. Page 1, line 14, by inserting after the word  
3 “director” the following: “of a publicly traded  
4 corporation”.

5 2. Page 1, by inserting after line 27 the  
6 following:

7 “A corporation is publicly traded if an equity  
8 security of the corporation is publicly traded as  
9 described in section 502.102, subsection 14, paragraph  
10 “f.”

11 3. Page 1, line 29, by inserting after the word  
12 “directors” the following: “of a publicly traded  
13 corporation”.

Amendment H—3337 lost.

Trent 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. 248)

The ayes were, 86:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Stromer	Svoboda
Tabor	Teaford	Trent	Tyrrell
Wise	Connors		
	Presiding		

The nays were, 10:

Garman	Hanson, D. R.	Hermann	Maulsby
Metcalf	Renken	Schnekloth	Spanner
Stueland	Van Maanen		

Absent or not voting, 4:

Connolly	Halvorson, R. A.	Poncy	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.

**House File 319**, a bill for an act relating to the establishment of benefited recreational lake districts, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—3539 filed by him and moved its adoption:

H—3539

- 1 Amend House File 319 as follows:
- 2 1. Page 1, by inserting after line 10 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 5 importance, takes effect upon enactment."
- 6 2. By renumbering as necessary.

Amendment H—3539 was adopted.

The following amendment H—3813 filed by Hanson of Delaware from the floor was adopted by unanimous consent:

H—3813

- 1 Amend House File 319 as follows:
- 2 1. Title page, line 2, by inserting after the
- 3 word "districts" the words "and providing an effective
- 4 date".

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. 319)

The ayes were, 88:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Clark	Cohoon	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Renken	Rosenberg	Royer	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, 2:

Buhr Gruhn

Absent or not voting, 10:

Connolly	Doderer	Groninga	Halvorson, R. A.
Hatch	Jesse	Poncy	Schnekloth
Shoultz	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**MOTION TO RECONSIDER PREVAILED**  
(House File 725)

Stromer of Hancock called up for consideration the motion to reconsider House File 725, filed on March 30, 1989, and moved to reconsider the vote by which House File 725, a bill for an act relating to the administration of small estates, passed the House and was placed on its last reading on March 30, 1989.

A non-record roll call was requested.

The ayes were 82, nays none.

The motion prevailed and the House reconsidered House File 725.

**SENATE FILE 506 SUBSTITUTED FOR HOUSE FILE 725**

Chapman of Linn asked and received unanimous consent to substitute Senate File 506 for House File 725.

**Senate File 506**, a bill for an act relating to the administration of small estates, 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. 506)

The ayes were, 98:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Groninga                      Halvorson, R. A.

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 490)

Beatty of Warren called up for consideration the motion to reconsider House File 490, filed on April 3, 1989, and moved to reconsider the vote by which House File 490, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters, passed the House and was placed on its last reading on April 3, 1989.

Speaker Avenson in the chair at 2:42 p.m.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 46.

The motion, having failed to receive a constitutional majority, lost placing out of order the motion to reconsider filed by Halvorson of Webster on April 3, 1989.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 248, 319, 522 and 732.

MOTION TO RECONSIDER LOST  
(House File 748)

Jay of Appanoose called up for consideration the motion to reconsider House File 748, filed on April 3, 1989, and moved to reconsider the vote by which House File 748, a bill for an act relating to the liability of an association or corporation resulting from services provided by the association or corporation, passed the House and was placed on its last reading on April 3, 1989.

A non-record roll call was requested.

The ayes were 3, nays 45.

The motion lost, placing out of order the motion to reconsider filed by Hibbard of Madison on April 3, 1989.

MOTION TO RECONSIDER LOST  
(House File 345)

Daggett of Adams called up for consideration the motion to reconsider House File 345, filed on March 2, 1989, and moved to reconsider the vote by which House File 345, a bill for an act to provide for county participation in medical assistance payments for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility, passed the House and was placed on its last reading on March 2, 1989.

A non-record roll call was requested.

The ayes were 28, nays 48.

The motion to reconsider lost.

## SENATE MESSAGES CONSIDERED

**Senate File 132**, by Varn, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles.

Read first time and referred to committee on **local government**.

**Senate File 315**, by Mann, a bill for an act relating to the delivery of controlled substances, and providing a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 426**, by committee on human resources, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 503**, by committee on judiciary, a bill for an act relating to alimony.

Read first time and referred to committee on **judiciary and law enforcement**.

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 30 and April 3, 1989. Had I been present, I would have voted "aye" on House Files 490, 572, 688, 722 and 735.

ADAMS of Hamilton

I was necessarily absent from the House chamber on April 4, 1989. Had I been present, I would have voted "nay" on House File 156.

RENKEN of Grundy

#### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Sixty-five 4-H members from Linn County, accompanied by Sandy Teggatz and 4-H parents. By Linn County Representatives.

Fifty fourth grade students from Lincoln Elementary School, Perry, accompanied by Mrs. Jackie Landon and Mark Peters. By McKinney of Dallas.

Sixteen High School students from Muscatine High School, Muscatine, accompanied by Conlon, Niemeyer, and Gausman. By Trent of Muscatine.

Thirty-eight fifth grade students from Gladbrook Middle School, Gladbrook, accompanied by Barb Schwarck. By Svoboda of Tama.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 369 Ways and Means**

Relating to the sales and use tax and providing an exemption from taxation for consumer rental purchases.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 24**

Energy and Environmental Protection: Hatch, Chair; Rosenberg and Siegrist.

**Senate File 176**

Local Government: Connors, Chair; Haverland and McKean.

**Senate File 218**

Small Business and Commerce: Dvorsky, Chair; Jesse and Schnekloth.

**Senate File 315**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 387**

Agriculture: Johnson, Chair; May and Pellett.

**Senate File 426**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 462**

Small Business and Commerce: Bisignano, Chair; Blanshan and Metcalf.

**Senate File 469**

Agriculture: Koenigs, Chair; Mertz and Stueland.

**Senate File 470**

Energy and Environmental Protection: Rosenberg, Chair; Schrader and Siegrist.

**Senate File 479**

Agriculture: Fogarty, Chair; Branstad and May.

**Senate File 485**

Agriculture: Schrader, Chair; Banks and Gruhn.

**Senate File 490**

Energy and Environmental Protection: Osterberg, Chair; Johnson and McKean.

**Senate File 497**

Agriculture: Fuller, Chair; Koenigs and Stueland.

**Senate File 503**

Judiciary and Law Enforcement: Rosenberg, Chair; Hibbard and Trent.

**Senate File 508**

Judiciary and Law Enforcement: Jay, Chair; Hansen of Woodbury 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 ECONOMIC DEVELOPMENT**

**Senate File 466**, a bill for an act allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3798** April 3, 1989.

**COMMITTEE ON HUMAN RESOURCES**

**Senate File 88**, a bill for an act relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3800** April 3, 1989.

**Senate File 110**, a bill for an act relating to foster care review by establishing certain reporting requirements.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate File 82**, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**Senate File 203**, a bill for an act relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**Senate File 339**, a bill for an act providing for delivering a deceased inmate's property to a designated person by the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**Senate File 395**, a bill for an act adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 279**, a bill for an act relating to the investment and use of moneys in the perpetual care funds of a cemetery.

Fiscal Note is not required.

Committee Action **Failed to Pass** April 3, 1989.

**Senate File 364**, a bill for an act authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**Senate File 367**, a bill for an act relating to the powers and duties of county recorders.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1989.

**Senate File 428**, a bill for an act relating to the installation and use of telecommunications devices for deaf persons in an enhanced 911 service area.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3799** April 3, 1989.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 694**, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3803** April 3, 1989.

**Senate File 231**, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3797** April 3, 1989.

## AMENDMENTS FILED

H-3795	H.F.	734	Fuller of Hardin
H-3797	S.F.	231	Committee on Small Business and Commerce
H-3798	S.F.	466	Committee on Economic Development
H-3799	S.F.	428	Committee on Local Government
H-3800	S.F.	88	Committee on Human Resources
H-3801	H.F.	749	Hester of Pottawattamie
H-3802	S.F.	185	Corbett of Linn
H-3803	H.F.	694	Committee on Small Business and Commerce
H-3804	S.F.	157	Fogarty of Palo Alto
H-3805	H.F.	576	Connors of Polk
H-3806	H.F.	620	Bisignano of Polk
H-3807	H.F.	596	Jay of Appanoose
H-3808	H.F.	596	Jay of Appanoose Fogarty of Palo Alto
H-3809	H.F.	752	Dvorsky of Johnson
H-3810	S.F.	266	Dvorsky of Johnson
H-3811	H.F.	727	Metcalf of Polk Hibbard of Madison
H-3812	H.F.	164	Hester of Pottawattamie
H-3814	S.F.	428	Shearer of Louisa
H-3815	H.F.	745	Cohon of Des Moines
H-3816	H.F.	680	Maulsby of Calhoun
H-3817	H.F.	680	Maulsby of Calhoun
H-3818	H.F.	680	Miller of Cherokee
H-3819	H.F.	680	Maulsby of Calhoun
H-3820	H.F.	680	Miller of Cherokee
H-3821	S.F.	82	Kremer of Buchanan
H-3822	H.F.	680	Daggett of Adams
H-3823	H.F.	680	Daggett of Adams
H-3824	H.F.	680	Miller of Cherokee
H-3825	H.F.	680	Miller of Cherokee
H-3826	H.F.	680	Daggett of Adams
H-3827	H.F.	680	Maulsby of Calhoun
H-3828	H.F.	680	Maulsby of Calhoun
H-3829	H.F.	745	Haverland of Polk
H-3830	H.F.	680	Maulsby of Calhoun

H—3831	H.F.	680	Daggett of Adams
H—3832	H.F.	680	Daggett of Adams
H—3833	H.F.	680	Maulsby of Calhoun
H—3834	H.F.	680	Daggett of Adams
H—3835	H.F.	680	Miller of Cherokee
H—3836	H.F.	680	Miller of Cherokee
H—3837	H.F.	680	Miller of Cherokee
H—3838	H.F.	680	Miller of Cherokee
H—3839	H.F.	680	Miller of Cherokee
H—3840	H.F.	680	Miller of Cherokee

On motion by Arnould of Scott, the House adjourned at 2:55 p.m., until 9:00 a.m., Wednesday, April 5, 1989.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 5, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Dolores Mertz, state representative from Kossuth County.

The Journal of Tuesday, April 4, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Beaman of Clarke, from fifty-two residents of District 91.

By Pellett of Cass, from thirty-two constituents of Cass County.

By Jochum of Dubuque, from fifty-five constituents.

## SENATE MESSAGES CONSIDERED

**Senate File 375**, by committee on natural resources, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**Senate File 396**, by committee on judiciary, a bill for an act relating to criminal offenses, by providing for the distribution of the presentence investigation report to counsel, providing for review of an offender's record, for revocation of an offender's parole, and for victim notification and registration.

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 4, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 535, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 31, a bill for an act relating to the violation of a law or rule of a health care facility and providing penalties.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 294, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing for the Act's repeal.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 385, a bill for an act relating to the scope of negotiations for purposes of public employment collective bargaining.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 459, a bill for an act relating to payment of a senior judge's medical insurance premium and annuity.

Also: That the Senate has on April 4, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 472, a bill for an act relating to private and home education and providing a penalty.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 734**, a bill for an act relating to the powers and duties of the Iowa corn promotion board, was taken up for consideration.

Fuller of Hardin offered the following amendment H—3760 filed by him:

H—3760

- 1 Amend House File 734 as follows:
- 2 1. Page 1, line 35, by striking the words
- 3 "suspension of the" and inserting the following:
- 4 "recommencement of the promotional order, or
- 5 termination of the promotional order's suspension".
- 6 2. Page 2, line 1, by striking the word "board".
- 7 3. Page 4, lines 26 and 27, by striking the words
- 8 "events as provided under section 185C.25:" and
- 9 inserting the following: "events:".
- 10 4. Page 6, line 13, by inserting after the word
- 11 "referendum" the following: "to restore the
- 12 assessment".
- 13 5. Page 6, line 15, by inserting before the word
- 14 "referendum" the following: "succeeding".
- 15 6. Page 6, line 16, by striking the word
- 16 "referendum" and inserting the following: "election
- 17 as provided for a referendum under this chapter".
- 18 7. Page 6, line 18, by striking the word
- 19 "section" and inserting the following: "subsection".
- 20 8. Page 6, line 25, by striking the words "seek
- 21 to continue collecting" and inserting the following:
- 22 "approve the continued collection of".
- 23 9. Page 6, line 32, by striking the words "become
- 24 effective" and inserting the following: "recommence".
- 25 10. Page 7, lines 3 and 4, by striking the words
- 26 "a state assessment account in".
- 27 11. Page 7, line 19, by striking the word
- 28 "STATE".
- 29 12. Page 8, line 1, by striking the figure
- 30 "185C.27" and inserting the following: "185C.26".

Fuller of Hardin offered the following amendment H—3795, to amendment H—3760, filed by him and moved its adoption:

H—3795

- 1 Amend the amendment, H—3760, to House File 734, as
- 2 follows:
- 3 1. Page 1, by inserting after line 6, the
- 4 following:
- 5 "\_\_\_\_\_. Page 3, line 21, by striking the word
- 6 "percent" and inserting the following: "cent".

Amendment H—3795 was adopted.

On motion by Fuller of Hardin, amendment H—3760, as amended, was adopted.

Koenigs of Mitchell offered the following amendment H—3785, filed by him and moved its adoption:

H-3785

1 Amend House File 734 as follows:

2 1. Page 9, by inserting after line 6, the  
3 following:

4 "Sec. \_\_\_\_\_. Section 185C.33, Code 1989, is amended  
5 to read as follows:

6 185C.33 ANNUAL REPORT.

7 The board shall make an annual report, containing a  
8 financial statement, to the secretary and the  
9 chairpersons of the committees on agriculture of the  
10 senate and house of representatives, on or before  
11 December 1 of each year, showing all income and  
12 expenses, including board expenses, and other relevant  
13 information concerning assessments collected and  
14 expended under the provisions of this chapter."

15 2. By renumbering as necessary.

Amendment H-3785 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. 734)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Shearer	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Royer

Shoultz

Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 620**, a bill for an act relating to the appeal of local governmental budgets, was taken up for consideration.

Bisignano of Polk offered the following amendment H—3806 filed by him:

H—3806

1 Amend House File 620 as follows:

2 1. By striking page 1, line 18 through page 2,  
3 line 8, and inserting the following:

4 "Sec. \_\_\_\_\_. Section 24.27, Code 1989, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 24.27 PROTEST TO BUDGET.

8 1. Not later than March 25, the number of persons  
9 in any municipality who are affected by any proposed  
10 budget, expenditure, or tax levy may appeal decisions  
11 of the certifying board or the levying board by filing  
12 a valid petition to protest the budget with the county  
13 auditor of the county in which the municipality is  
14 located. A valid petition shall be determined as  
15 follows:

16 a. A municipality in which fifty thousand or more  
17 votes were cast for the office of president of the  
18 United States or governor at the last general election  
19 shall require at least the number of signatures equal  
20 to five percent of the votes cast or at least two  
21 thousand signatures, whichever number is fewer.

22 b. A municipality in which twenty-five thousand or  
23 more votes but less than fifty thousand were cast for  
24 the office of president of the United States or  
25 governor at the last general election shall require at  
26 least five percent of the votes cast or at least one  
27 thousand signatures, whichever number is fewer.

28 c. A municipality in which ten thousand or more  
29 but less than twenty-five thousand votes were cast for  
30 the office of president of the United States or  
31 governor at the last general election shall require at  
32 least the number of signatures equal to five percent  
33 of the votes cast or at least five hundred signatures,  
34 whichever number is fewer.

35 d. A municipality in which less than ten thousand  
36 votes were cast for the office of president of the

37 United States or governor at the last general election  
38 shall require at least the number of signatures equal  
39 to five percent of the votes cast or at least two  
40 hundred fifty signatures, whichever number is fewer.

41 2. A valid petition must set forth in writing the  
42 objections to the budget, expenditure or tax levy, and  
43 the grounds for the objections.

44 3. If a budget is certified after March 15, all  
45 appeal time limits shall be extended to correspond to  
46 allowances for a timely filing. Upon the filing of a  
47 protest, the county auditor shall immediately prepare  
48 a true and complete copy of the written protest,  
49 together with the budget, proposed tax levy or  
50 expenditure to which objections are made, and shall

**Page 2**

1 transmit them immediately to the state board, and  
2 shall also send a copy of the protest to the  
3 certifying board or to the levying board, as the case  
4 may be."

5 2. By striking page 2, line 33, through page 3,  
6 line 10, and inserting the following:

7 "Sec. \_\_\_\_\_. Section 384.19, Code 1989, is amended  
8 by striking the section and inserting in lieu thereof  
9 the following:

10 384.19 WRITTEN PROTEST.

11 1. Within a period of ten days after the final  
12 date that a budget or amended budget may be certified  
13 to the county auditor, persons affected by the budget  
14 may file a valid petition to protest the budget with  
15 the county auditor, specifying their objections to the  
16 budget or any part of it. A valid petition shall be  
17 determined as follows:

18 a. A city in which fifty thousand or more votes  
19 were cast for the office of president of the United  
20 States or governor at the last general election shall  
21 require at least the number of signatures equal to  
22 five percent of the votes cast or at least two  
23 thousand signatures, whichever number is fewer.

24 b. A city in which twenty-five thousand or more  
25 votes, but less than fifty thousand were cast for the  
26 office of president of the United States or governor  
27 at the last general election shall require at least  
28 the number of signatures equal to five percent of the  
29 votes cast or at least one thousand signatures,  
30 whichever number is fewer.

31 c. A city in which ten thousand or more but less  
32 than twenty-five thousand votes were cast for the  
33 office of president of the United States or governor  
34 at the last general election shall require at least  
35 the number of signatures equal to five percent of the

36 votes cast or at least five hundred signatures,  
 37 whichever number is fewer.  
 38 d. A city in which less than ten thousand votes  
 39 were cast for the office of president of the United  
 40 States or governor at the last general election shall  
 41 require at least the number of signatures equal to  
 42 five percent of the votes cast or at least two hundred  
 43 fifty signatures, whichever number is fewer.  
 44 2. Upon the filing of any protest, the county  
 45 auditor shall immediately prepare a true and complete  
 46 copy of the written protest, together with the budget  
 47 to which the objections are made, and shall transmit  
 48 them immediately to the state appeal board, and shall  
 49 also send a copy of the protest to the council.  
 50 3. The state appeal board shall proceed to

**Page 3**

1 consider the protest in accordance with the same  
 2 provisions that protests to budgets of municipalities  
 3 are considered under chapter 24. The state appeal  
 4 board shall certify its decision with respect to the  
 5 protest to the county auditor and to the parties to  
 6 the appeal as provided by rule, and the decision shall  
 7 be final.  
 8 4. The county auditor shall make up the records in  
 9 accordance with the decision and the levying board  
 10 shall make its levy in accordance with the decision.  
 11 Upon receipt of the decision the council shall correct  
 12 its records accordingly, if necessary."

Arnould of Scott asked and received unanimous consent that House File 620 be deferred and that the bill retain its place on the calendar.

(Amendment H—3806 pending.)

**House File 706**, a bill for an act relating to the use of federal and state funding sources to finance job training through vocational education, 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. 706)

The ayes were, 97:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark

Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Arnould                      Johnson                      Lageschulte

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 571**, a bill for an act relating to the deliberations of a county civil service commission after a disciplinary hearing, was taken up for consideration.

Mertz of Kossuth moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 571)

The ayes were, 92:

Adams	Banks	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poney	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Svoboda	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, 3:

Black	Miller	Stueland
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Absent or not voting, 5:

Arnould	Connolly	Hibbard	Renaud
Swartz			

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 registration, regulation, and inspection of swimming pools and spas, and providing penalties, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3253 filed by him:

H—3253

- 1 Amend House File 373 as follows:
- 2 1. Page 1, by inserting after line 3 the
- 3 following:
- 4 "\_\_\_\_\_. "Bathing beach" means a body of water or
- 5 artificial impoundment and adjacent land area not
- 6 contained within a structure, chamber, or tank which
- 7 is designated for swimming, diving, or recreational
- 8 bathing. "Bathing beach" includes natural lakes,
- 9 artificial lake impoundments, ponds, rivers, and
- 10 streams, with their buildings, equipment, and
- 11 appurtenances."
- 12 2. Page 1, line 17, by striking the words "and
- 13 spas" and inserting the following: ", spas, and
- 14 bathing beaches".
- 15 3. Page 1, line 34, by inserting after the word
- 16 "spas" the following: ", and for regulating bathing
- 17 beaches".

- 18 4. Page 2, line 4, by inserting after the word  
19 "installation" the following: "or establishment".  
20 5. Page 2, line 5, by striking the words "and  
21 spas" and inserting the following: ", spas, and  
22 bathing beaches".  
23 6. Page 2, line 8, by striking the words "and  
24 spas" and inserting the following: ", spas, and  
25 bathing beaches".  
26 7. Page 2, line 10, by inserting after the word  
27 "spa," the following: "bathing beach,".  
28 8. Page 3, line 24, by striking the words "or  
29 spa" and inserting the following: ", spa, or bathing  
30 beach".  
31 9. Page 3, line 25, by striking the words "or  
32 spa" and inserting the following: ", spa, or bathing  
33 beach".  
34 10. Page 3, line 34, by striking the words "or  
35 spa" and inserting the following: ", spa, or bathing  
36 beach".  
37 11. Page 4, line 1, by striking the words "or  
38 spa" and inserting the following: ", spa, or bathing  
39 beach".  
40 12. Title page, line 2, by striking the words  
41 "and spas" and inserting the following: "spas, and  
42 bathing beaches".  
43 13. By renumbering as necessary.

McKinney of Dallas in the chair at 10:02 a.m.

Gruhn of Dickinson rose on a point of order that amendment H-3253 was not germane.

The Speaker ruled the point well taken and amendment H-3253 not germane.

Speaker Avenson in the chair at 10:12 a.m.

Corbett of Linn offered the following amendment H-3792 filed by him and moved its adoption:

H-3792

- 1 Amend House File 373 as follows:  
2 1. Page 2, by striking lines 11 through 15.  
3 2. Page 2, by striking lines 17 through 21, and  
4 inserting the following: "implementation and  
5 enforcement of this chapter."  
6 3. Page 2, by striking lines 24 through 32 and  
7 inserting the following: "chapter. A local board of  
8 health may enter into such an agreement with the  
9 department. Third-party authorities shall be  
10 approved".  
11 4. By renumbering as necessary.

Amendment H—3792 lost.

Chapman of Linn offered the following amendment H—3260 filed by her and moved its adoption:

H—3260

- 1 Amend House File 373 as follows:
- 2 1. Page 3, by striking lines 12 through 18 and
- 3 inserting the following: "has been taken. The de-
- 4 partment or the local board of health may request the
- 5 county attorney to bring appropriate legal proceedings
- 6 to enforce this chapter, including an action to enjoin
- 7 violations. The attorney general may also institute
- 8 appropriate legal proceedings at the request of the
- 9 department. This remedy is in addition to".

Amendment H—3260 was adopted.

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. 373)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
May	McKean	McKinney	Mertz
Miller	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		
	Avenson		

The nays were, 21:

Banks	Bennett	Branstad	Daggett
De Groot	Garman	Gruhn	Hermann
Lageschulte	Maulsby	Metcalf	Pellett

Petersen, D. F.	Plasier	Poncy	Renken
Royer	Schnekloth	Stueland	Trent
Van Maanen			

Absent or not voting, 1:

Muhlbauer

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 31**, by Sturgeon, a bill for an act relating to the violation of a law or rule of a health care facility and providing penalties.

Read first time and referred to committee on **human resources**.

**Senate File 294**, by committee on judiciary, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing for the Act's repeal.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 382**, by Priebe and Soorholtz, a bill for an act relating to the renewal of permits for regulated uses of water.

Read first time and referred to committee on **agriculture**.

**Senate File 385**, by committee on business and labor relations, a bill for an act relating to the scope of negotiations for purposes of public employment collective bargaining.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 389**, by committee on agriculture, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions.

Read first time and **passed on file**.

**Senate File 441**, by committee on agriculture, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 459**, by committee on judiciary, a bill for an act relating to payment of a senior judge's medical insurance premium and annuity.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 472**, by committee on education, a bill for an act relating to private and home education and providing a penalty.

Read first time and referred to committee on **education**.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 571, 706 and 734.

**House File 700**, a bill for an act relating to victims of certain criminal acts, by providing for the distribution of the presentence investigation report to counsel, registration of victims with the county attorney, filing of the victim impact statement, notification to victims by various departments, reorganizing crime victim assistance programs and services within the department of justice, and modifying the state crime victim reparation program, was taken up for consideration.

Jay of Appanoose offered the following amendment H-3622 filed by him:

H-3622

- 1 Amend House File 700 as follows:
- 2 1. Page 5, by striking lines 13 through 15 and
- 3 inserting the following:
- 4 "d. A hospital medical staff person involved with
- 5 emergency services.
- 6 e. A public member who has received victim
- 7 services.
- 8 f. A victim service provider.
- 9 g. A person licensed pursuant to chapter 154B or
- 10 154C."
- 11 2. Page 5, line 27, by striking the word "twenty-
- 12 four" and inserting the following: "twenty-four
- 13 seventy-two".
- 14 3. Page 5, line 30, by striking the word "twenty-
- 15 four" and inserting the following: "twenty-four
- 16 seventy-two".
- 17 4. Page 5, by striking lines 31 through 34.

18 5. Page 7, by striking lines 11 through 29 and  
 19 inserting the following:  
 20 "Sec. \_\_\_\_\_. Section 912.7, subsections 3 and 4,  
 21 Code 1989, are amended by striking the subsections."  
 22 6. Renumber as necessary.

Carpenter of Polk offered the following amendment H—3762, to amendment H—3622, filed by her and Jay of Appanoose and moved its adoption:

H—3762

1 Amend the amendment, H—3622, to House File 700 as  
 2 follows:

3 1. Page 1, by inserting after line 1 the  
 4 following:

5 "\_\_\_\_\_. Page 1, by inserting after line 18 the  
 6 following:

7 "Sec. \_\_\_\_\_. Section 236.2, subsections 5 and 6,  
 8 Code 1989, are amended to read as follows:

9 5. "Department" means the department of human  
 10 services justice.

11 6. "Director Division" means the director of human  
 12 services division of victim assistance of the  
 13 department of justice.

14 Sec. \_\_\_\_\_. Section 236.9, unnumbered paragraph 2,  
 15 Code 1989, is amended to read as follows:

16 The department of public safety may compile  
 17 statistics and issue reports on domestic abuse in  
 18 Iowa, provided individual identifying details of the  
 19 domestic abuse are deleted. The statistics and  
 20 reports may include nonidentifying information on the  
 21 personal characteristics of perpetrators and victims.  
 22 The department of public safety may request the  
 23 cooperation of the department of human services  
 24 justice in compiling the statistics and issuing the  
 25 reports. The department of public safety may provide  
 26 nonidentifying information on individual incidents of  
 27 domestic abuse to persons conducting bona fide  
 28 research, including but not limited to personnel of  
 29 the department of human services justice.

30 Sec. \_\_\_\_\_. Section 236.15, Code 1989, is amended to  
 31 read as follows:

32 236.15 APPLICATION FOR DESIGNATION AND FUNDING AS  
 33 A PROVIDER OF SERVICES FOR VICTIMS OF DOMESTIC ABUSE.

34 Upon receipt of state or federal funding designated  
 35 for victims of domestic abuse by the department, a  
 36 public or private nonprofit organization may apply to  
 37 the director division for designation and funding as a  
 38 provider of emergency shelter services and support  
 39 services to victims of domestic abuse. The  
 40 application shall be submitted on a form prescribed by

41 the department and shall include, but not be limited  
 42 to, information regarding services to be provided,  
 43 budget, and security measures.  
 44 Sec. \_\_\_\_\_. Section 236.16, Code 1989, is amended to  
 45 read as follows:  
 46 236.16 DEPARTMENT POWERS AND DUTIES.  
 47 1. The director division shall:  
 48 a. Designate and award grants for existing and  
 49 pilot programs pursuant to this chapter to provide  
 50 emergency shelter services and support services to

**Page 2**

1 victims of domestic abuse.  
 2 b. Design and implement a uniform method of  
 3 collecting data from domestic abuse organizations  
 4 funded under this chapter.  
 5 2. The department division shall consult and  
 6 cooperate with all public and private agencies which  
 7 may provide services to victims of domestic abuse,  
 8 including but not limited to, legal services, social  
 9 services, prospective employment opportunities, and  
 10 unemployment benefits.  
 11 3. The director division may accept, use, and  
 12 dispose of contributions of money, services, and  
 13 property made available by an agency or department of  
 14 the state or federal government, or a private agency  
 15 or individual."  
 16 2. Page 1, by inserting before line 2 the  
 17 following:  
 18 "\_\_\_\_\_. Page 5, line 4, by striking the word  
 19 "REPARATION" and inserting the following:  
 20 "ASSISTANCE".  
 21 \_\_\_\_\_. Page 5, line 6, by striking the word  
 22 "reparation" and inserting the following:  
 23 "assistance".  
 24 3. Page 1, by inserting after line 21 the  
 25 following:  
 26 "\_\_\_\_\_. Page 7, by inserting after line 29 the  
 27 following:  
 28 "Sec. \_\_\_\_\_. Sections 236.17 and 236.18, Code 1989,  
 29 are repealed." "  
 30 4. By renumbering as necessary.

Amendment H—3762 was adopted.

Jay of Appanoose asked and received unanimous consent to with-  
 draw amendment H—3650, to amendment H—3622, filed by him on  
 March 28, 1989.

On motion by Jay of Appanoose, amendment H—3622, as  
 amended, 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?" (H.F. 700)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brand	Groninga	Plasier	Sherzan
Svoboda	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 739**, a bill for an act regarding the application process for federal airport funds and mandating that governmental subdivisions, commissions, and authorities submit the applications to the state department of transportation for approval, was taken up for consideration.

Chapman of Linn offered the following amendment H—3784 filed by her and moved its adoption:

H—3784

- 1 Amend House File 739 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "plan." the following: "However, this paragraph does
- 4 not apply to applications for federal entitlement
- 5 funds based on cargo landed weight or enplaned
- 6 passengers."

Amendment H—3784 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. 739)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Poney	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Brown	Hibbard	Peters
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Absent or not voting, 8:

Beatty	Connolly	Hatch	Plasier
Royer	Shearer	Shoultz	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 373, 700 and 739.

### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 5, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 393, a bill for an act providing for the commitment, assignment, and release of certain persons convicted of operating a motor vehicle while intoxicated.

JOHN F. DWYER, Secretary

### PRESENTATION OF VISITORS

Teaford of Black Hawk presented to the House Tata Beliaeva, a foreign exchange student from Leningrad, U.S.S.R., currently enrolled at the University of Northern Iowa, Cedar Falls.

The Speaker announced that the following visitors were present in the House chamber:

Seventy fifth grade students from Madison Elementary School, Des Moines, accompanied by Nancy McNabb. By Sherzan of Polk.

Fifty high school students from Waco High School, Olds, accompanied by Greg Thomas. By Spenner of Henry.

Forty-five eighth grade students from Peet Junior High School, Cedar Falls, accompanied by Carolyn Harm. By Teaford of Black Hawk.

Eighty students from Grinnell-Newburg School District. By Tyrrell of Iowa and Black of Jasper.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 370 Ways and Means**

Providing an individual and corporate income tax deduction for certain capital gain reinvestments in small business in the state.

#### **H.S.B. 371 Ways and Means**

To extend job training tax credits to financial institutions and insurance companies and associations and nonprofit health service corporations.

**H.S.B. 372 Ways and Means**

Relating to the taxation of financial institutions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 132**

Local Government: Fogarty, Chair; Eddie and Fuller.

**Senate File 256**

Transportation: Fogarty, Chair; Branstad and Muhlbauer.

**Senate File 295**

Transportation: Cohoon, Chair; Shearer and Spenner.

**Senate File 318**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**Senate File 323**

Education: Shoultz, Chair; Neuhauser and Siegrist.

**Senate File 346**

Labor and Industrial Relations: Lykam, Chair; Harper and Hermann.

**Senate File 375**

Natural Resources and Outdoor Recreation: Schrader, Chair; Black and Diemer.

**Senate File 441**

Energy and Environmental Protection: Johnson, Chair; Banks, Bisignano, McKean, Osterberg, Petersen of Muscatine and Schrader.

**Senate File 444**

Labor and Industrial Relations: Peters, Chair; Connors and Kistler.

**Senate File 482**

State Government: Buhr, Chair; Beatty, Garman, Lundby and Pavich.

**Senate File 501**

State Government: Peterson of Carroll, Chair; Hammond and Lundby.

## 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 174**, 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, and providing for the retroactive applicability of the Act and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1989.

**Senate File 474**, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3855** April 4, 1989.

## COMMITTEE ON EDUCATION

**Senate File 149**, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3848** April 4, 1989.

## COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 488**, a bill for an act relating to solid waste disposal and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1989.

## COMMITTEE ON STATE GOVERNMENT

**Senate File 14**, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3849** April 4, 1989.

**Senate File 90**, a bill for an act relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1989.

**Senate File 205**, a bill for an act relating to the credentialing and regulation of respiratory care practitioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3851** April 4, 1989.

**Senate File 365**, a bill for an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for local ballot issues.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3850** April 4, 1989.

#### COMMITTEE ON TRANSPORTATION

**Senate File 442**, a bill for an act relating to rules adopted under section 321.450 as they relate to physical and medical qualifications of drivers of commercial vehicles engaged in intrastate commerce and to retail dealers and their employees delivering fertilizers, petroleum products, and pesticides to farm customers and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 4, 1989.

#### AMENDMENTS FILED

H—3841	H.F.	681	Schnekloth of Scott
H—3842	H.F.	535	Senate Amendment
H—3843	S.F.	488	Garman of Story
H—3844	S.F.	82	Kremer of Buchanan
H—3845	H.F.	757	Van Maanen of Mahaska
H—3846	H.F.	680	Neuhauser of Johnson
			Hammond of Story
			Tabor of Jackson
H—3847	S.F.	363	Hammond of Story
			Brammer of Linn
			Corbett of Linn
			Bisignano of Polk
			Shoultz of Black Hawk
			Johnson of Winneshiek
			Brand of Benton
			Neuhauser of Johnson
H—3848	S.F.	149	Committee on
			Education
H—3849	S.F.	14	Committee on
			State Government

H-3850	S.F.	365	Committee on State Government
H-3851	S.F.	205	Committee on State Government
H-3852	H.F.	715	Schnekloth of Scott
H-3853	H.F.	680	Garman of Story
H-3854	S.F.	157	Wise of Lee
H-3855	S.F.	474	Committee on Agriculture
H-3856	H.F.	680	Eddie of Buena Vista
H-3857	S.F.	52	Maulsby of Calhoun
H-3858	H.F.	680	Neuhauser of Johnson
H-3859	H.F.	753	Tyrrell of Iowa
H-3860	S.F.	149	Daggett of Adams
H-3861	S.F.	124	Holveck of Polk
H-3862	S.F.	124	Holveck of Polk
H-3863	S.F.	124	Holveck of Polk
H-3864	S.F.	124	Holveck of Polk
H-3865	S.F.	124	Holveck of Polk
H-3866	H.F.	620	Bennett of Ida
H-3867	H.F.	620	Schnekloth of Scott
H-3868	H.F.	620	Carpenter of Polk
H-3869	H.F.	620	Carpenter of Polk
H-3870	H.F.	620	Schnekloth of Scott
H-3871	H.F.	757	Van Maanen of Mahaska
H-3872	H.F.	620	Schnekloth of Scott
H-3873	H.F.	680	Stromer of Hancock

On motion by Arnould of Scott, the House adjourned at 11:12 a.m., until 9:00 a.m., Thursday, April 6, 1989.

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 6, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Russell J. Eddie, state representative from Buena Vista County.

The Journal of Wednesday, April 5, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures, were received and placed on file:

By Fogarty of Palo Alto, from fifty-six constituents.

By Johnson of Winneshiek, from thirty constituents.

By Ollie of Clinton, from four hundred seventy-eight constituents.

By Schneklath of Scott, from four hundred ninety-four persons.

By Shoning of Woodbury, from forty-one constituents.

By Stromer of Hancock, from sixty-six constituents opposing House File 86.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek on request of Schrader of Marion; Spenner of Henry, until his arrival, on request of Eddie of Buena Vista.

## SENATE MESSAGE CONSIDERED

**Senate File 393**, by committee on judiciary, a bill for an act providing for the commitment, assignment, and release of certain persons convicted of operating a motor vehicle while intoxicated.

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 5, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 434, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees.

Also: That the Senate has on April 5, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to certain felons and misdemeanants, by providing for the placement of such parole or probation violators in the county jail, requiring reimbursement to counties confining such violators, and authorizing the board of parole to assign parole violators to the county jail as part of a subsequent plan of parole or work release.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 698**, a bill for an act relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner, was taken up for consideration.

Peterson of Carroll offered the following amendment H-3702 filed by him and moved its adoption:

H-3702

- 1 Amend House File 698 as follows:
- 2 1. Page 1, line 16, by striking the words
- 3 "composed of".
- 4 2. By striking page 2, line 12 through page 3,
- 5 line 17.
- 6 3. Page 3, by inserting before line 18 the
- 7 following:
- 8 "Sec. \_\_\_\_\_. Section 116.11, unnumbered paragraph 3,
- 9 Code 1989, is amended by striking the paragraph and
- 10 inserting in lieu thereof the following:
- 11 The examination shall be prescribed by the board
- 12 and shall be designed and given in a manner as to
- 13 fairly test the applicant's knowledge of accounting.
- 14 The examination shall not include questions relating
- 15 to the subject of auditing."
- 16 4. By renumbering as necessary.

Amendment H-3702 was adopted.

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. 698)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brown	Connolly	Haverland	Johnson
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 738**, a bill for an act relating to public utilities and their affiliates, with civil penalties applicable, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 738 be deferred and placed on the unfinished business calendar.

The House resumed consideration of **House File 620**, a bill for an act relating to the appeal of local governmental budgets, and amendment H—3806, found on pages 1258 through 1260 of the House Journal, previously deferred.

Bisignano of Polk asked and received unanimous consent to withdraw amendment H—3806.

Blanshan of Greene in the chair at 9:34 a.m.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3786 filed by him on April 3, 1989.

Schnekloth of Scott offered the following amendment H—3867 filed by him and moved its adoption:

H—3867

- 1 Amend House File 620 as follows:
- 2 1. Page 1, by striking line 10 and inserting the
- 3 following: "political subdivisions of similar size.
- 4 The local representatives may".

A non-record roll call was requested.

The ayes were 32, nays 40.

Amendment H—3867 lost.

Schnekloth of Scott offered the following amendment H—3870 filed by him and moved its adoption:

H—3870

- 1 Amend House File 620 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "subdivisions" the following: "which are no closer
- 4 than one hundred miles from the political subdivision
- 5 whose budget is being appealed".

A non-record roll call was requested.

The ayes were 35, nays 47.

Amendment H—3870 lost.

Schnekloth of Scott asked and received unanimous consent to withdraw amendment H—3872 filed by him on April 5, 1989.

Speaker Avenson in the chair at 9:50 a.m.

Bennett of Ida offered the following amendment H—3866 filed by him and moved its adoption:

H—3866

- 1 Amend House File 620 as follows:
- 2 1. Page 1, by striking lines 1 through 17.
- 3 2. By renumbering as necessary.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—3866 be adopted?"  
(H.F. 620)

The ayes were, 37:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Spenner
Stromer	Stueland	Trent	Tyrrell
Van Maanen			

The nays were, 57:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Hibbard	Holveck	Jay
Jesse	Jochum	Knapp	Koenigs
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Shearer	Shoultz	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Arnould	Eddie	Haverland	Johnson
Sherzan	Siegrist		

Amendment H—3866 lost.

Carpenter of Polk offered the following amendment H—3869 filed by her and moved its adoption:

H—3869

- 1 Amend House File 620 as follows:
- 2 1. Page 2, line 24, by striking the word "may"
- 3 and inserting the following: "shall".

Amendment H—3869 was adopted.

Carpenter of Polk offered the following amendment H—3868 filed by her and moved its adoption:

H—3868

- 1 Amend House File 620 as follows:
- 2 1. Page 2, by striking lines 9 through 32.
- 3 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H—3868 lost.

Chapman of Linn offered the following amendment H—3719 filed by her and moved its adoption:

H—3719

- 1 Amend House File 620 as follows:
- 2 1. By striking page 2, line 33 through page 3,
- 3 line 10.

Amendment H—3719 lost.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 620)

The ayes were, 51:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Cohoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hammond
Harper	Hatch	Hester	Hibbard
Holveck	Jay	Jochum	Knapp
Koenigs	Lykam	May	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peterson, M. K.	Poncy
Renaud	Rosenberg	Royer	Schrader
Sherzan	Shoultz	Spenner	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 47:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Chapman	Clark

Corbett	Daggett	De Groot	Diemer
Eddie	Garman	Gruhn	Halvorson, R. A.
Hansen, S. D.	Hanson, D. R.	Harbor	Hermann
Jesse	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	McKinney
Metcalf	Miller	Pellett	Peters
Petersen, D. F.	Plasier	Renken	Schnekloth
Shearer	Shoning	Siegrist	Spear
Stromer	Stueland	Svoboda	Swartz
Trent	Tyrrell	Van Maanen	

Absent or not voting, 2:

Haverland                  Johnson

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 620 and 698.

### MOTION TO RECONSIDER PREVAILED

(House File 269)

Adams of Hamilton called up for consideration the motion to reconsider House File 269, filed on March 2, 1989, and moved to reconsider the vote by which House File 269, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents, passed the House and was placed on its last reading on March 2, 1989.

A non-record roll call was requested.

The ayes were 51, nays 30.

The motion prevailed and the House reconsidered House File 269, placing out of order the motion to reconsider filed by Doderer of Johnson on March 2, 1989.

The House stood at ease at 10:45 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 269 at 10:57 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House File 269 be deferred and that the bill retain its place on the calendar.

## SENATE MESSAGES CONSIDERED

**Senate File 434**, by committee on judiciary, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 471**, by committee on judiciary, a bill for an act relating to certain felons and misdemeanants, by providing for the placement of such parole or probation violators in the county jail, requiring reimbursement to counties confining such violators, and authorizing the board of parole to assign parole violators to the county jail as part of a subsequent plan of parole or work release.

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 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 293, a bill for an act relating to the fee and reporting requirements for certain animal health pesticides.

Also: That the Senate has on April 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 368, a bill for an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state.

Also: That the Senate has on April 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 386, a bill for an act relating to refunds from excise taxes on egg sales.

Also: That the Senate has on April 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 419, a bill for an act relating to energy efficiency and providing effective dates.

Also: That the Senate has on April 6, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act relating to the enforcement of child custody and visitation orders.

Also: That the Senate has on April 6, 1989 passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to the establishment of an agricultural research coordinating council and an Iowa agricultural research fund, and providing an effective date.

JOHN F. DWYER, Secretary

On motion by Arnould of Scott, the House was recessed at 10:58 a.m., until 5:00 p.m.

### EVENING SESSION

The House reconvened, Speaker Avenson in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 293**, by Boswell, a bill for an act relating to the fee and reporting requirements for certain animal health pesticides.

Read first time and referred to committee on **agriculture**.

**Senate File 368**, by committee on state government, a bill for an act relating to procedures for accepting offers from federal agencies for full or partial cession or retrocession of federal jurisdiction over lands in federal enclaves within the state.

Read first time and referred to committee on **state government**.

**Senate File 386**, by committee on agriculture, a bill for an act relating to refunds from excise taxes on egg sales.

Read first time and **passed on file**.

**Senate File 419**, by Varn, a bill for an act relating to energy efficiency and providing effective dates.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 424**, by committee on judiciary, 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**.

**Senate File 484**, by committee on agriculture, a bill for an act relating to the establishment of an agricultural research coordinating council and an Iowa agricultural research fund, and providing an effective date.

Read first time and referred to committee on **agriculture**.

### CONSIDERATION OF BILLS

The House resumed consideration of **House File 269**, a bill for an act relating to the rate of increase in tuition and fees at higher education institutions under the control of the state board of regents, reconsidered and deferred.

Adams of Hamilton moved to reconsider the vote by which amendment H—3274, found on page 634 of the House Journal, was adopted by the House on March 2, 1989.

A non-record roll call was requested.

The ayes were 55, nays 32.

The motion prevailed and the House reconsidered amendment H—3274.

Siegrist of Pottawattamie moved the adoption of amendment H—3274.

Roll call was requested by Bennett of Ida and Carpenter of Polk.

On the question “Shall amendment H—3274 be adopted?”  
(H.F. 269)

The ayes were, 39:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Lundby	Maulsby	McKean
Metcalf	Pellett	Peters	Petersen, D. F.
Plasier	Renken	Royer	Schnekloth
Shoning	Siegrist	Spenner	Stueland
Trent	Tyrrell	Van Maanen	

The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.

Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Ollie	Osterberg	Pavich
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 7:

Brand	Doderer	Lageschulte	Miller
Nielsen	Poncy	Stromer	

Amendment H—3274 lost.

Adams of Hamilton moved to reconsider the vote by which amendment H—3194, found on pages 637 and 638 of the House Journal, was adopted by the House on March 2, 1989.

A non-record roll call was requested.

The ayes were 54, nays 35.

The motion prevailed and the House reconsidered amendment H—3194.

Corbett of Linn moved the adoption of amendment H—3194.

Amendment H—3194 lost, placing back in order amendment H—3273 and amendment H—3286, to amendment H—3273, found on page 636 of the House Journal, (both previously adopted, then ruled out of order with the adoption of amendment H—3194).

Blanshan of Greene asked and received unanimous consent to reconsider the vote by which amendment H—3273, as amended and found on page 636 of the House Journal, was adopted by the House on March 2, 1989.

Blanshan of Greene asked and received unanimous consent to withdraw amendment H—3273, placing out of order amendment H—3286 (to amendment H—3273), found on page 636 of the House Journal.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stromer of Hancock, for the remainder of the day and April 7, 1989, on request of Bennett of Ida.

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. 269)

The ayes were, 57:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Knapp
Koenigs	Lundby	Lykam	May
McKinney	Mertz	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Spear	Swartz	Teaford	Wise
Mr. Speaker Avenson			

The nays were, 40:

Banks	Beaman	Beatty	Bennett
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Kistler
Kremer	Maulsby	McKean	Metcalf
Pellett	Petersen, D. F.	Plasier	Poncy
Renaud	Renken	Royer	Schnekloth
Shoning	Spenner	Stueland	Svoboda
Tabor	Trent	Tyrrell	Van Maanen

Absent or not voting, 3:

Lageschulte	Miller	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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lageschulte of Bremer on request of Spenner of Henry; Brammer of Linn on request of Adams of Hamilton; Miller of Cherokee on request of Daggett of Adams, all for the remainder of the day.

**IMMEDIATE MESSAGE**  
(House File 269)

Arnould of Scott asked and received unanimous consent to immediately message House File 269 to the Senate.

**Regular Calendar**

**House File 209**, a bill for an act relating to the limitations on smoking in public places, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 209 be deferred and that the bill be placed on the unfinished business calendar.

**House File 744**, a bill for an act providing for the appointment of a study committee to examine medical malpractice insurance premium rates, was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3708 filed by him and moved its adoption:

H—3708

- 1 Amend House File 744 as follows:
- 2 1. Page 1, line 4, by inserting after the word
- 3 "insurance" the following: ", and shall include a
- 4 study concerning the authorization of an association,
- 5 the membership of which is composed of attorneys, to
- 6 form an association, corporation, or other
- 7 organization for the purpose of selling or offering
- 8 for sale medical malpractice insurance".

A non-record roll call was requested.

The ayes were 24, nays 53.

Amendment H—3708 lost.

Bennett of Ida offered the following amendment H—3686 filed by Stromer of Hancock and moved its adoption:

H—3686

- 1 Amend House File 744 as follows:
- 2 1. Page 1, line 20, by inserting after the figure
- 3 "1990." the following: "The findings shall include
- 4 specific statutory recommendations which shall be
- 5 enacted by the general assembly during the 1990
- 6 regular session."

Amendment H—3686 lost.

Bennett of Ida offered the following amendment H—3688 filed by Stromer of Hancock and moved its adoption:

H—3688

- 1 Amend House File 744 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "However, prior to the commencement of any study
- 5 pursuant to this Act, all recommendations submitted to
- 6 the legislative council by the Iowa liability and
- 7 liability insurance study commission established
- 8 pursuant to 1986 Iowa Acts, chapter 1211, section 44,
- 9 must be considered and debated as legislative
- 10 proposals in floor debate in the house of
- 11 representatives."

Amendment H—3688 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama, for the remainder of the day, on request of McKinney of Dallas.

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. 744)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Branstad	Brown	Buhr	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lundby	Lykam
May	McKean	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 12:

Banks	Bennett	Carpenter	Daggett
Hanson, D. R.	Hermann	Maulsby	Metcalf
Petersen, D. F.	Renken	Royer	Schnekloth

Absent or not voting, 6:

Brammer	Groninga	Lageschulte	Miller
Stromer	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 727**, a bill for an act relating to reverse annuity and graduated payment mortgages, by providing for their regulation by the administrators of the divisions of banking, savings and loan associations, and credit unions, of the department of commerce, and imposing certain standards and restrictions, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 727 be deferred and that the bill be placed on the unfinished business calendar.

**House File 680**, a bill for an act establishing an autonomous board to perform the duties of the present board of educational examiners and professional practices commission, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 680 be deferred and that the bill be placed on the unfinished business calendar.

**House File 745**, a bill for an act relating to the stopping, standing, and parking of vehicles including parking for handicapped persons and providing penalties and effective dates, was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—3588 filed by him and moved its adoption:

H—3588

1 Amend House File 745 as follows:

2 1. Page 3, line 4, by striking the word "special"  
3 and inserting the following: "~~special~~ handicapped".

4 2. Page 3, line 6, by striking the word  
5 "handicapped" and inserting the following: "~~special~~  
6 handicapped".

7 3. Page 3, line 13, by striking the word  
8 "handicapped" and inserting the following: "~~special~~  
9 handicapped".

Amendment H—3588 was adopted.

Cohon of Des Moines offered the following amendment H—3815 filed by him and moved its adoption:

H—3815

- 1 Amend House File 745 as follows:
- 2 1. Page 6, line 2, by inserting before the word
- 3 "device" the word "hanging".
- 4 2. Page 6, line 27, by striking the words "guilty
- 5 of a".
- 6 3. Page 6, by striking lines 28 through 31 and
- 7 inserting the following: "subject to a civil penalty
- 8 of one hundred dollars which may be imposed by the
- 9 department, or subject to invalidation by the
- 10 department of the device issued to the individual, or
- 11 subject to both the civil penalty and invalidation."
- 12 4. Page 8, line 30, by striking the words "one
- 13 hundred dollars" and inserting the following: "twenty
- 14 five dollars for the first offense, fifty dollars for
- 15 a second offense of this subsection by a person
- 16 previously convicted of violating this subsection, and
- 17 one hundred dollars for third and subsequent offenses
- 18 by a person who at least twice has been convicted of
- 19 violating this subsection".
- 20 5. By striking page 8, line 35, through page 9,
- 21 line 7.
- 22 6. Page 10, line 14, by striking the word "The"
- 23 and inserting the word "A".
- 24 7. Page 10, line 14, by inserting after the word
- 25 "space" the following: "located on a paved surface".
- 26 8. Page 10, line 16, by striking the word
- 27 "yellow." and inserting the following: "yellow
- 28 nonskid paint. As used in this subsection, "paved
- 29 surface" includes surfaces which are asphalt
- 30 surfaced."
- 31 9. Page 11, line 35, by striking the word "July"
- 32 and inserting the word "January".
- 33 10. Page 12, line 1, by striking the word "July"
- 34 and inserting the word "January".
- 35 11. Page 12, line 4, by striking the word "July"
- 36 and inserting the word "January".
- 37 12. Page 12, by striking lines 17 through 22 and
- 38 inserting the following: "1989, is amended by
- 39 striking the paragraph."
- 40 13. Page 12, line 25, by striking the word "July"
- 41 and inserting the word "January".

Amendment H—3815 was adopted.

Haverland of Polk offered the following amendment H—3829 filed by him and moved its adoption:

H—3829

1 Amend House File 745 as follows:

2 1. Page 8, line 30, by inserting before the word  
3 "Proof" the following: "In lieu of payment of a fine  
4 pursuant to this subsection, a person convicted of  
5 violating this subsection may make payment to a  
6 nonprofit organization providing services to  
7 handicapped in the amount of the otherwise imposed  
8 fine in accordance with rules adopted by the  
9 department."

Amendment H—3829 lost.

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. 745)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, 1:

Carpenter

Absent or not voting, 5:

Brammer  
Svoboda

Gruhn

Miller

Stromer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent to immediately message the following bills to the Senate: House Files 744 and 745.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 4, 1989. Had I been present, I would have voted "aye" on House Files 248 and 319.

PONCY of Wapello

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty eighth grade students from West Central Junior High School, Maynard, accompanied by Ron Rusche. By Avenson of Fayette.

Nine Senior students from Albert City-Truesdale High School, Albert City, accompanied by Max Grossnickle. By Eddie of Buena Vista.

Twenty Senior students from South Clay High School, Gillette Grove, accompanied by Larry Steggy. By Fogarty of Palo Alto.

Twenty-five high school students from Wilton High School, Wilton, accompanied by Brenda Grandner. By Petersen of Muscatine.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 621

Ways and Means: Chapman, Chair; Brand and Schneklath.

#### House File 632

Ways and Means: Tabor, Chair; Chapman and Renken.

#### House File 635

Ways and Means: Groninga, Chair; Fey and Metcalf.

**House File 652**

Ways and Means: Teaford, Chair; Connolly and Metcalf.

**House File 716**

Ways and Means: Teaford, Chair; Bennett and Brand.

**House File 746**

Ways and Means: Doderer, Chair; Schnekloth and Tabor.

**Senate File 31**

Human Resources: Harper, Chair; Brown, Buhr, Hermann and Kistler.

**Senate File 294**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

**Senate File 382**

Agriculture: Hibbard, Chair; Pellett and Schrader.

**Senate File 390**

Agriculture: Svoboda, Chair; Bennett and Hibbard.

**Senate File 396**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and McKinney.

**Senate File 459**

Judiciary and Law Enforcement: McKinney, Chair; Chapman and Shoning.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 369**

Ways and Means: Fey, Chair; Groninga and Renken.

**House Study Bill 370**

Ways and Means: Tabor, Chair; Chapman, Metcalf, Osterberg and Schnekloth.

**House Study Bill 371**

Ways and Means: Groninga, Chair; De Groot and Teaford.

**House Study Bill 372**

Ways and Means: Tabor, Chair; Doderer and Schnekloth.

**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

**Senate File 199**, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3877** April 5, 1989.

**Senate File 278**, a bill for an act relating to the disclosure of information by continuing care facilities and senior adult congregate living facilities, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3876** April 5, 1989.

**Senate File 410**, a bill for an act relating to the conducting of an epidemiological blinded study to determine the prevalence of the human immunodeficiency virus infection and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 412**, a bill for an act relating to the medical assistance subrogation rights of the department of human services.

Fiscal Note is required.

Recommended **Do Pass** April 5, 1989.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 56**, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 76**, a bill for an act providing for jailer training programs to be administered by the Iowa law enforcement academy.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 112**, a bill for an act relating to nonsubstantive Code corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 121**, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3882** April 5, 1989.

**Senate File 129**, a bill for an act relating to the release of child abuse information to certain individuals.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 201**, a bill for an act expanding the definition of sex act and making more acts subject to penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 233**, a bill for an act providing for DNA profiling of certain criminal offenders.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 344**, a bill for an act relating to the violation of or interference with civil rights, including discrimination based upon association with protected class members and age, the definition of public accommodation, the right to a jury trial, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3881** April 5, 1989.

**Senate File 360**, a bill for an act prohibiting the theft of a veteran's grave marker, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 486**, a bill for an act relating to rent-to-own regulations.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 502**, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3883** April 5, 1989.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 132**, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 176**, a bill for an act relating to service of notice of expiration of the right of redemption from tax sales.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 300**, a bill for an act relating to the annexation of territory including secondary roads.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Senate File 375**, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 218**, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3875** April 5, 1989.

**Senate File 255**, a bill for an act relating to the priority of advances under line-of-credit mortgages.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 272**, a bill for an act relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 291**, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 462**, a bill for an act relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

**Senate File 475**, a bill for an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9.

Fiscal Note is not required.

Recommended **Do Pass** April 5, 1989.

### RESOLUTION FILED

**HR 8**, by Poncy, a resolution requesting the governor to proclaim September 15, 1989, as Iowa POW/MIA Recognition Day.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—3874	H.F.	753	Schnekloth of Scott
H—3875	S.F.	218	Committee on Small Business and Commerce
H—3876	S.F.	278	Committee on Human Resources
H—3877	S.F.	199	Committee on Human Resources
H—3878	H.F.	680	Stromer of Hancock
H—3879	S.F.	224	Spenner of Henry
H—3880	S.F.	224	Spenner of Henry
H—3881	S.F.	344	Committee on Judiciary and Law Enforcement
H—3882	S.F.	121	Committee on Judiciary and Law Enforcement
H—3883	S.F.	502	Committee on Judiciary and Law Enforcement
H—3884	S.F.	149	Corbett of Linn
H—3885	H.F.	680	Swartz of Marshall
H—3886	S.F.	223	Swartz of Marshall
H—3887	S.F.	502	Schnekloth of Scott
H—3888	S.F.	205	Beatty of Warren
H—3889	S.F.	318	Pellett of Cass
H—3890	H.F.	436	Svoboda of Tama
H—3891	H.F.	436	Svoboda of Tama
H—3892	H.F.	436	Svoboda of Tama
H—3893	H.F.	680	Neuhauser of Johnson
H—3894	H.F.	436	Osterberg of Linn

H—3895	S.F.	389	Gruhn of Dickinson
H—3896	S.F.	397	Jay of Appanoose
H—3897	H.F.	733	Gruhn of Dickinson
H—3898	H.F.	436	Svoboda of Tama
H—3899	H.F.	436	Svoboda of Tama
H—3900	H.F.	436	Svoboda of Tama
H—3901	S.F.	79	Swartz of Marshall
H—3902	H.F.	436	Svoboda of Tama Peters of Woodbury
H—3903	S.F.	157	Metcalf of Polk
H—3904	S.F.	157	Metcalf of Polk
H—3905	S.F.	157	Metcalf of Polk

On motion by Arnould of Scott, the House adjourned at 6:36 p.m., until 9:00 a.m., Friday, April 7, 1989.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 7, 1989

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 Thursday, April 6, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Eddie of Buena Vista, from twenty-five constituents.

By Lykam of Scott, from ninety-three constituents.

By May of Worth, from fifty-seven constituents.

By Tyrrell of Iowa, from one hundred ten constituents.

The following petitions opposing House File 708 were received and placed on file:

By Harbor of Mills, from one hundred four constituents.

By Peterson of Carroll, from forty-five constituents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton on request of Eddie of Buena Vista; Hibbard of Madison, until his arrival, on request of Jesse of Jasper.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 532**, a bill for an act relating to the administration of an estate and changing certain notice provisions, was taken up for consideration.

### SENATE FILE 275 SUBSTITUTED FOR HOUSE FILE 532

Chapman of Linn asked and received unanimous consent to substitute Senate File 275 for House File 532.

**Senate File 275**, a bill for an act relating to the administration of

an estate and changing certain notice provisions, 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. 275)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Bisignano	Fey	Hibbard	Sherzan
Stromer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 191**, a bill for an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission, was taken up for consideration.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3103 filed by him on February 9, 1989.

Koenigs of Mitchell offered the following amendment H—3086 filed by him and moved its adoption:

H—3086

- 1 Amend House File 191 as follows:
- 2 1. Page 1, by inserting before line 21, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 321.457, subsection 3,
- 5 paragraph d, Code 1989, is amended to read as follows:
- 6 d. In a combination of vehicles used principally
- 7 for hauling livestock or a stinger-steered automobile
- 8 transporter operating under this subsection and
- 9 section 321.454, subsection 2, the combination of
- 10 vehicles used principally for hauling livestock or the
- 11 stinger-steered automobile transporter may depart from
- 12 the designated highway system by the most direct route
- 13 to points of pickup and delivery. Vehicles operating
- 14 under this paragraph are not exempt from posted size
- 15 and weight restrictions on highway structures."

Amendment H—3086 was adopted.

#### SENATE FILE 120 SUBSTITUTED FOR HOUSE FILE 191

Koenigs of Mitchell asked and received unanimous consent to substitute Senate File 120 for House File 191.

**Senate File 120**, a bill for an act relating to the allowable length of stinger-steered automobile transporters and certain semitrailers when operated on highways designated by the state transportation commission, was taken up for consideration.

Koenigs of Mitchell moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 120)

The ayes were, 81:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harbor	Harper	Haverland
Hermann	Hester	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam

Maulsby	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavič	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 12:

Carpenter	Doderer	Hammond	Hanson, D. R.
Hatch	Holveck	McKean	Metcalf
Miller	Shoultz	Svoboda	Teaford

Absent or not voting, 7:

Fey	Hibbard	Lundby	Sherzan
Stromer	Stueland	Swartz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 752**, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before new or changed rates, charges, schedules, and regulations may be approved by the utilities board, was taken up for consideration.

Dvorsky of Johnson offered the following amendment H—3809 filed by him and moved its adoption:

H—3809

- 1 Amend House File 752 as follows:
- 2 1. Page 1, line 5, by striking the words "a new
- 3 or changed" and inserting the following: "an
- 4 increased".
- 5 2. Page 1, by striking lines 8 and 9 and in-
- 6 serting the following: "comprehensive energy
- 7 management program which meets the primary objectives
- 8 of section 476A.6,".
- 9 3. Title page, line 2, by striking the words "new
- 10 or changed" and inserting the following: "increased".

Amendment H—3809 was adopted.

SENATE FILE 266 SUBSTITUTED FOR HOUSE FILE 752

Dvorsky of Johnson asked and received unanimous consent to substitute Senate File 266 for House File 752.

**Senate File 266**, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 266 be deferred and that the bill retain its place on the calendar.

**House File 661**, a bill for an act relating to salaries of the clerks of the district court, was taken up for consideration.

#### SENATE FILE 397 SUBSTITUTED FOR HOUSE FILE 661

Jay of Appanoose asked and received unanimous consent to substitute Senate File 397 for House File 661.

**Senate File 397**, a bill for an act relating to salaries of the clerks of the district court, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3896 filed by him and moved its adoption:

H—3896

1 Amend Senate File 397, as passed by the Senate, as  
2 follows:

3 1. Page 1, by inserting before line 1 the  
4 following:

5 "Section 1. Section 602.1215, subsection 1, Code  
6 1989, is amended to read as follows:

7 1. The district judges of each judicial election  
8 district shall by majority vote appoint persons to  
9 serve as clerks of the district court, one for each  
10 county within the judicial election district. A  
11 person does not qualify for appointment to the office  
12 of clerk of the district court unless the person is at  
13 the time of ~~application~~ appointment a resident of the  
14 county in which the vacancy exists. A clerk of the  
15 district court may be removed from office for cause by  
16 a majority vote of the district judges of the judicial  
17 election district. Before removal, the clerk of the  
18 district court shall be notified of the cause for  
19 removal."

20 2. Title page, line 1 by inserting after the word  
21 "salaries" the following: "and appointment".

22 3. By renumbering as necessary.

Amendment H—3896 lost.

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. 397)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Metcalf	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Schrader	Shearer	Shoning
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 11:

Doderer	Fuller	Halvorson, R. N.	Hermann
Maulsby	Mertz	Miller	Muhlbauer
Royer	Schnekloth	Van Maanen	

Absent or not voting, 6:

Fey	Harper	Sherzan	Shoultz
Stromer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 676**, a bill for an act relating to the registration of federal liens, was taken up for consideration.

SENATE FILE 276 SUBSTITUTED FOR HOUSE FILE 676

Chapman of Linn asked and received unanimous consent to substitute Senate File 276 for House File 676.

**Senate File 276**, a bill for an act relating to the registration of federal liens, 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. 276)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	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.	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Fey	Harbor	Royer	Sherzan
Stromer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 741**, a bill for an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices, was taken up for consideration.

Shearer of Louisa offered the following amendment H – 3685 filed by him and moved its adoption:

H – 3685

- 1 Amend House File 741 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "the" the following: "department shall notify the".
- 4 2. Page 2, line 26, by inserting after the word
- 5 "appeals" the following: "which".
- 6 3. Page 2, line 26, by striking the word "The"
- 7 and inserting the following: "The After a hearing by
- 8 the".
- 9 4. Page 2, line 27, by inserting after the word
- 10 "appeals" the following: ", the state department of
- 11 transportation".
- 12 5. Page 2, line 29, by inserting after the word
- 13 "ordinance." the following: "The decision of the
- 14 state department of transportation is final agency
- 15 action.".
- 16 6. Page 2, line 30, by striking the word "prima-
- 17 facie" and inserting the following: "prima-facie
- 18 prima facie".

Amendment H – 3685 was adopted.

SENATE FILE 500 SUBSTITUTED FOR HOUSE FILE 741

Shearer of Louisa asked and received unanimous consent to substitute Senate File 500 for House File 741.

**Senate File 500**, a bill for an act relating to the powers and duties of certain local governmental bodies, by providing for the use of ordinances in certain instances, by changing procedures for certain city elections, by requiring written veto messages, by changing filing procedures for a special assessment, and by specifying the duties of city finance offices, was taken up for consideration.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 500)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Doderer

Dvorsky	Eddie	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Diemer	Fey	Royer	Sherzan
Stromer	Stueland		

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 state licensing of asbestos professionals who perform work in schools, was taken up for consideration.

#### SENATE FILE 435 SUBSTITUTED FOR HOUSE FILE 640

Poncy of Wapello asked and received unanimous consent to substitute Senate File 435 for House File 640.

**Senate File 435**, a bill for an act relating to state licensing of asbestos professionals who perform work in schools, was taken up for consideration.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 435)

The ayes were, 94:

Adams	Arnould	Banks	Beamam
Beatty	Bennett	Bisignano	Black

Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Shoning	Shultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Brand	Fey	Harbor	Sherzan
Stromer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES WITHDRAWN

Arnould of Scott asked and received unanimous consent to withdraw the following bills from further consideration by the House: House Files 191, 532, 640, 661, 676 and 741.

### RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on local government April 7, 1989.

The House stood at ease at 10:39 a.m., until the fall of the gavel.

The House resumed session at 11:59 a.m., Speaker Avenson in the chair.

## INTRODUCTION OF BILLS

**House File 758**, by committee on ways and means, a bill for an act permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine.

Read first time and placed on the **ways and means calendar**.

**House File 759**, by committee on ways and means, a bill for an act relating to refunds from excise taxes on egg sales.

Read first time and placed on the **ways and means calendar**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones, for the remainder of the day, on request of Hanson of Delaware.

## RULE 57 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for committee meetings April 7, 1989.

**House File 433**, a bill for an act relating to driver education requirements by requiring public school districts to allow certain fourteen-year-olds to attend driver education courses and by requiring successful completion of an approved driver education course before a person may be issued a school license, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H-3794 filed by him and moved its adoption:

H-3794

- 1 Amend House File 433 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 321.178, unnumbered paragraph
- 5 3, Code 1989, is amended to read as follows:
- 6 "Student," for purposes of this section, means any
- 7 a person between the ages of fifteen fourteen years
- 8 and twenty-one years who resides in the public school

9 district and who satisfies the preliminary licensing  
10 requirements of the department.

11 Sec. 2. Section 321.194, unnumbered paragraphs 1  
12 and 3, Code 1989, are amended to read as follows:

13 Upon certification of a special need by the school  
14 board or the superintendent of the applicant's school,  
15 the department may issue a school license to a person  
16 between the ages of fourteen and eighteen years who  
17 has successfully completed an approved driver  
18 education course. However, the completion of a course  
19 is not required if the applicant demonstrates to the  
20 satisfaction of the department that completion of the  
21 course would impose a hardship upon the applicant.  
22 The department shall adopt rules under chapter 17A  
23 defining the term "hardship" and establish procedures  
24 for the demonstration and determination of when  
25 completion of the course would impose a hardship upon  
26 an applicant. The school license shall entitle  
27 entitles the holder, while having the license in  
28 immediate possession, to operate a motor vehicle  
29 during the hours of 6 a.m. to 9 11:30 p.m. over the  
30 most direct and accessible route between the  
31 licensee's residence and schools of enrollment and  
32 between schools of enrollment for the purpose of  
33 attending duly scheduled courses of instruction and  
34 extracurricular activities at the schools or at any  
35 time when accompanied by a parent or guardian, member  
36 of the license holder's immediate family if the family  
37 member is at least twenty-one years of age, driver  
38 education instructor, or prospective driver education  
39 instructor who is a holder of a valid operator's or  
40 chauffeur's license, and who is actually occupying a  
41 seat beside the driver. The license shall expire on  
42 the licensee's eighteenth birthday or upon issuance of  
43 a restricted license under section 321.178, subsection  
44 2, or operator's license. Parental consent given for  
45 the issuance of a school license under this section  
46 shall not be deemed to be consent given under section  
47 321.184 for the issuance of any other permit or  
48 license applied for by the school license applicant.  
49 A license issued under this section is subject to  
50 suspension or revocation in like manner as any other

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1 license or permit issued under a law of this state.  
2 The department may also suspend a license upon  
3 receiving satisfactory evidence that the licensee has  
4 violated the restrictions of the license or has been  
5 involved in one or more accidents chargeable to the  
6 licensee. The department may suspend a license issued  
7 under this section and a permit issued under section

8 321.180 upon receiving a record of the licensee's  
9 conviction for one violation and. The department  
10 shall revoke the license and any permit issued under  
11 section 321.180 upon receiving a record of conviction  
12 for two or more violations of a law of this state or a  
13 city ordinance regulating the operation of motor  
14 vehicles on highways other than parking violations as  
15 defined in section 321.210. After revoking a license  
16 under this section the department shall not grant an  
17 application for a new license or permit until the  
18 expiration of one year or until the licensee's  
19 sixteenth birthday whichever is the longer period.

20 Sec. 3. Section 321A.17, subsection 5, Code 1989,  
21 is amended to read as follows:

22 5. An individual applying for a motor vehicle  
23 license following a period of suspension or revocation  
24 under section 321.210A, 321.216 or 321.513, or  
25 following a period of suspension under section  
26 321.194, is not required to maintain proof of  
27 financial responsibility under this section.

28 Sec. 4. The education requirements for the  
29 issuance of school licenses provided in section 2 of  
30 this Act apply to school licenses issued on or after  
31 the effective date of this Act."

32 2. Title page, by striking lines 1 through 5 and  
33 inserting the following: "An Act relating to driving  
34 privileges of fourteen-year-old drivers, permitting  
35 attendance at approved driver education courses,  
36 requiring completion of driver education before  
37 issuance of a school license, and removing time limits  
38 on use of a school license."

Amendment H—3794 was adopted.

#### SENATE FILE 157 SUBSTITUTED FOR HOUSE FILE 433

Fogarty of Palo Alto asked and received unanimous consent to substitute Senate File 157 for House File 433.

**Senate File 157**, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 157 be deferred and that the bill retain its place on the calendar.

**House File 648**, a bill for an act relating to the membership of the medical assistance advisory council, was taken up for consideration.

Hammond of Story offered the following amendment H-3462 filed by her and moved its adoption:

H-3462

- 1 Amend House File 648 as follows:
- 2 1. Page 1, line 14, by inserting after the word
- 3 "society," the following: "the Iowa speech, language,
- 4 and hearing association."

Amendment H-3462 was adopted.

### SENATE FILE 402 SUBSTITUTED FOR HOUSE FILE 648

Knapp of Dubuque asked and received unanimous consent to substitute Senate File 402 for House File 648.

**Senate File 402**, a bill for an act relating to the membership of the medical assistance advisory council, was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 402)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader

Shearer	Shoning	Siegrist	Spear
Spenner	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker Avenson			

The nays were, none.

Absent or not voting, 11:

Brammer	Fey	Hibbard	Jochum
McKean	Plasier	Sherzan	Shoultz
Stromer	Stueland	Swartz	

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 authorizing a city to seek a judgment against a property owner for improvements made to the property, was taken up for consideration.

Connors of Polk offered the following amendment H—3805 filed by him and moved its adoption:

H—3805

- 1 Amend House File 576 as follows:
- 2 1. Page 1, line 6, by striking the words "How-
- 3 ever, a".
- 4 2. Page 1, by striking lines 7 through 9.

Amendment H—3805 was adopted.

#### SENATE FILE 366 SUBSTITUTED FOR HOUSE FILE 576

Connors of Polk asked and received unanimous consent to substitute Senate File 366 for House File 576.

**Senate File 366**, a bill for an act authorizing a city to seek a judgment against a property owner for improvements made to the property, was taken up for consideration.

Connors of Polk offered the following amendment H—3509 filed by him and moved its adoption:

H—3509

- 1 Amend Senate File 366, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "owner." the following: "However, a city shall not
- 5 seek reimbursement for costs incurred in performing an
- 6 act if the same act has not been performed by the city
- 7 on adjoining city-owned property."

Amendment H—3509 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?" (S.F. 366)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
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	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Shoning	Siegrist	Spear
Spencer	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 11:

Doderer	Fey	Hatch	Hibbard
McKean	Plasier	Sherzan	Shoultz
Stromer	Stueland	Swartz	

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 596)

Jay of Appanoose called up for consideration the motion to reconsider House File 596, filed by Hansen of Woodbury on March 21, 1989, and moved to reconsider the vote by which House File 596, a bill for an act relating to the handling and use of county and municipal infractions, making a Code correction in regard to such infractions, and providing for penalties and remedies for such infractions, passed the House and was placed on its last reading on March 21, 1989.

A non-record roll call was requested.

The eyes were 57, nays none.

The motion prevailed and the House reconsidered House File 596.

Jay of Appanoose offered the following amendment H—3808 filed by him and Fogarty of Palo Alto and moved its adoption:

H—3808

1 Amend House File 596 as follows:

2 1. Page 1, by striking lines 9 and 10 and  
3 inserting the following: "requested, or by  
4 publication in the manner as provided in rule of civil  
5 procedure 60 and subject to the conditions of rule of  
6 civil procedure 60.1. A copy of the citation shall be  
7 retained by the".

8 2. Page 2, by striking lines 12 through 18 and  
9 inserting the following: "district associate judge to  
10 the district court. The procedure on appeal shall be  
11 the same as for a small claim pursuant to section  
12 631.13. A factual determination made by the trial  
13 court, supported by substantial evidence as shown in  
14 the record, is binding for purposes of appeal relating  
15 to the violation at issue, but shall not be admissible  
16 or binding as to any future violation for the same or  
17 similar ordinance provision".

18 3. Page 2, by striking lines 34 and 35 and  
19 inserting the following: "requested, or by  
20 publication in the manner as provided in rule of civil  
21 procedure 60 and subject to the conditions of rule of  
22 civil procedure 60.1. A copy of the citation shall be  
23 retained by the".

24 4. Page 4, by striking lines 6 through 13 and  
25 inserting the following: "district associate judge to  
26 the district court. The procedure on appeal shall be  
27 the same as for a small claim pursuant to section  
28 631.13. A factual determination made by the trial  
29 court, supported by substantial evidence as shown in  
30 the record, is binding for purposes of appeal relating  
31 to the violation at issue, but shall not be admissible  
32 or binding as to any future violation for the same or  
33 similar ordinance provision by the same defendant."

Amendment H—3808 was adopted.

Jay of Appanoose offered the following amendment H—3807 filed by him and moved its adoption:

H-3807

1 Amend House File 596 as follows:

2 1. Page 2, by inserting after line 7 the  
3 following:

4 "The magistrate or district associate judge shall  
5 have jurisdiction to assess or enter judgment for  
6 costs of abatement or correction in an amount not to  
7 exceed the jurisdictional amount for a money judgment  
8 in a civil action pursuant to section 631.1,  
9 subsection 1, for magistrates and section 602.6306,  
10 subsection 2, for district associate judges. If the  
11 county seeks abatement or correction costs in excess  
12 of those amounts, the case shall be referred to the  
13 district court for hearing and entry of an appropriate  
14 order. The procedure for hearing in the district  
15 court shall be the same procedure as that for a small  
16 claims appeal pursuant to section 631.13."

17 2. Page 4, by inserting after line 1 the  
18 following:

19 "The magistrate or district associate judge shall  
20 have jurisdiction to assess or enter judgment for  
21 costs of abatement or correction in an amount not to  
22 exceed the jurisdictional amount for a money judgment  
23 in a civil action pursuant to section 631.1,  
24 subsection 1, for magistrates and section 602.6306,  
25 subsection 2, for district associate judges. If the  
26 city seeks abatement or correction costs in excess of  
27 those amounts, the case shall be referred to the  
28 district court for hearing and entry of an appropriate  
29 order. The procedure for hearing in the district  
30 court shall be the same procedure as that for a small  
31 claims appeal pursuant to section 631.13."

Amendment H-3807 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. 596)

The ayes were, 92:

- |                  |                  |           |               |
|------------------|------------------|-----------|---------------|
| Adams            | Arnould          | Banks     | Beaman        |
| Beatty           | Bennett          | Bisignano | Black         |
| Blanshan         | Brammer          | Brand     | Branstad      |
| Brown            | Buhr             | Carpenter | Chapman       |
| Clark            | Cohoon           | Connolly  | Connors       |
| Corbett          | 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	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Fey	Hatch	Hibbard	Knapp
McKean	Sherzan	Stromer	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

Arnould of Scott asked and received unanimous consent that House File 596 be immediately messaged to the Senate.

**House File 436**, a bill for an act relating to the foreclosure and sale of real property, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 436 be deferred and that the bill be placed on the unfinished business calendar.

**House File 733**, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expending participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions, was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—3897 filed by her and moved its adoption:

H—3897

- 1 Amend House File 733 as follows:
- 2 1. Page 1, line 4, by striking the figure "1991"
- 3 and inserting the following: "1990".
- 4 2. Page 3, line 4, by striking the words "person
- 5 shall not bring a".
- 6 3. Page 3, line 6, by striking the words "relief,
- 7 or which is" and inserting the following: "relief
- 8 shall not be".
- 9 4. Page 3, line 8, by striking the word "a".
- 10 5. Title page, line 2, by striking the word
- 11 "expending" and inserting the following: "expanding".

Amendment H—3897 was adopted.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—3586 filed by her on March 23, 1989.

#### SENATE FILE 389 SUBSTITUTED FOR HOUSE FILE 733

Gruhn of Dickinson asked and received unanimous consent to substitute Senate File 389 for House File 733.

**Senate File 389**, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 389 be deferred and that the bill retain its place on the calendar.

#### SENATE AMENDMENT CONSIDERED

House Refused to Concur

Ollie of Clinton called up for consideration **House File 535**, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, amended by the Senate, and moved that the House concur in the following Senate amendment H—3842:

H-3842

1 Amend House File 535, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. By striking everything after the enacting  
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 257.1 STATE SCHOOL  
6 FOUNDATION PROGRAM - STATE AID.

7 1. PROGRAM ESTABLISHED. A state school foundation  
8 program is established for the school year commencing  
9 July 1, 1991, and succeeding school years.

10 2. STATE SCHOOL FOUNDATION AID - FOUNDATION BASE.

11 For a budget year, each school district in the state  
12 is entitled to receive foundation aid, in an amount  
13 per pupil equal to the difference between the amount  
14 per pupil of foundation property tax in the district,  
15 and the combined foundation base per pupil or the  
16 combined district cost per pupil, whichever is less.  
17 However, if the amount of foundation aid received by a  
18 school district under this chapter is less than three  
19 hundred dollars per pupil, the district is entitled to  
20 receive three hundred dollars per pupil unless the  
21 receipt of three hundred dollars per pupil plus the  
22 per pupil amount raised by the foundation property tax  
23 exceeds the district cost per pupil of the district  
24 for the budget year. In which case, the district is  
25 entitled to receive an amount per pupil equal to the  
26 difference between the per pupil amount raised by the  
27 foundation property tax for the budget year and the  
28 district cost per pupil for the budget year.

29 For the budget year commencing July 1, 1991, the  
30 regular program foundation base per pupil is eighty-  
31 three and twenty-five hundredths percent of the  
32 regular program state cost per pupil. For each  
33 succeeding budget year, the regular program foundation  
34 base shall increase twenty-five hundredths percent per  
35 year until the foundation base reaches eighty-five  
36 percent of the regular program state cost per pupil.  
37 For the budget year commencing July 1, 1991, the  
38 special education support services foundation base is  
39 eighty-three and twenty-five hundredths percent of the  
40 special education support services state cost per  
41 pupil. It shall increase at the same rate as the  
42 regular program foundation base. The combined  
43 foundation base is the sum of the regular program  
44 foundation base and the special education support  
45 services foundation base.

46 However, increases in the foundation base for a  
47 budget year provided in this section shall be adjusted  
48 by changes in the assessed valuation in the state.  
49 The department of management shall determine the  
50 percent of change in the assessed valuation in the

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1 state from January 1 in the year preceding the base  
2 year to January 1 in the base year. If the percent of  
3 increase in the assessed valuation in the state is one  
4 percent, the foundation base shall increase as  
5 provided in this section. For each additional percent  
6 of increase, the foundation base shall increase an  
7 additional twenty-five hundredths percent, not to  
8 exceed twenty-five hundredths percent. If the value  
9 of the assessed valuation decreases one percent or  
10 more, the foundation base shall not increase the  
11 twenty-five hundredths percent provided in this  
12 section.

13 3. COMPUTATIONS ROUNDED. In making computations  
14 and payments under this chapter, except in the case of  
15 computations relating to funding of special education  
16 support services, media services, and educational  
17 services provided through the area education agencies,  
18 the department of management shall round amounts to  
19 the nearest whole dollar.

20 Sec. 2. NEW SECTION. 257.2 DEFINITIONS.

21 As used in this chapter:

22 1. "Combined state cost per pupil" is a per pupil  
23 amount determined by adding together the regular  
24 program state cost per pupil for a year and the  
25 special education support services state cost per  
26 pupil for that year calculated under section 257.9.

27 2. "Combined district cost per pupil" is an amount  
28 determined by adding together the regular program  
29 district cost per pupil for a year and the special  
30 education support services district cost per pupil for  
31 that year as calculated under section 257.10.

32 3. "Base year" means the school year ending during  
33 the calendar year in which a budget is certified.

34 4. "Budget year" means the school year beginning  
35 during the calendar year in which a budget is  
36 certified.

37 5. "School district" means a school corporation  
38 organized under chapter 274.

39 6. "Miscellaneous income" means the receipts  
40 deposited to the general fund of the school district  
41 but not including any of the following:

42 a. Foundation aid.

43 b. Revenue obtained from the foundation property  
44 tax.

45 c. Revenue obtained from the additional property  
46 tax.

47 7. "Expenditures" means the total amounts paid  
48 from the general fund of a school district.

49 Sec. 3. NEW SECTION. 257.3 FOUNDATION PROPERTY  
50 TAX.

## Page 3

1 1. AMOUNT OF TAX. Except as provided in  
2 subsection 2, a school district shall cause to be  
3 levied each year, for the school general fund, a  
4 foundation property tax equal to five dollars and  
5 forty cents per thousand dollars of assessed  
6 valuation. The county auditor shall spread the  
7 foundation levy over all taxable property in the  
8 district.

9 2. DISTRICTS WITH REDUCED LEVIES. The property  
10 tax rates of those districts that met the requirements  
11 of section 442.2, subsection 1, Code 1989, and were  
12 reduced shall have the reduced levies that they would  
13 have had under section 442.2, subsection 1, Code 1989,  
14 and those levies shall continue to increase twenty  
15 cents per year as provided in that section.

16 3. RAILWAY CORPORATIONS. For purposes of section  
17 257.1, the "amount per pupil of foundation property  
18 tax" does not include the tax levied under subsection  
19 1 or 2 on the property of a railway corporation or on  
20 its trustee if the corporation has been declared  
21 bankrupt or is in bankruptcy proceedings.

22 Sec. 4. NEW SECTION. 257.4 ADDITIONAL PROPERTY  
23 TAX.

24 1. COMPUTATION OF TAX. A school district shall  
25 cause to be levied each year, an additional property  
26 tax levy. The rate of the additional property tax  
27 levy in a school district shall be determined by the  
28 department of management and shall be calculated to  
29 raise the difference between the combined district  
30 cost for the budget year and the sum of the products  
31 of the regular program foundation base per pupil times  
32 the weighted enrollment in the district and the  
33 special education support services foundation base per  
34 pupil times the special education support services  
35 weighted enrollment in the district.

36 2. APPLICATION OF TAX. No later than May 1 of  
37 each year, the department of management shall notify  
38 the county auditor of each county the amount, in  
39 dollars and cents per thousand dollars of assessed  
40 value, of the additional property tax levy in each  
41 school district in the county. A county auditor shall  
42 spread the additional property tax levy for each  
43 school district in the county over all taxable  
44 property in the district.

45 Sec. 5. NEW SECTION. 257.5 CONTINUING  
46 SUPPLEMENTAL AID.

47 For purposes of this section, a reorganized school  
48 district is one in which reorganization was approved  
49 in an election pursuant to sections 275.18 and 275.20  
50 prior to July 1, 1989, and took effect on or after

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1 July 1, 1986.

2 A reorganized school district receiving  
3 supplemental aid prior to July 1, 1991, under section  
4 442.9A, Code 1989, shall continue to receive  
5 supplemental aid in the same amount under this section  
6 until the expiration of the five-year period specified  
7 in section 442.9A, Code 1989.

8 There is appropriated from the general fund of the  
9 state to the department of management for each fiscal  
10 year an amount sufficient to pay the supplemental aid  
11 to school districts under this section. Supplemental  
12 aid shall be paid in the manner provided in section  
13 257.16.

14 For the purpose of the department of management's  
15 determination of the portion of a school district's  
16 budget that was property tax and the portion that was  
17 state aid under section 257.33, supplemental aid shall  
18 be considered property tax.

19 Sec. 6. NEW SECTION. 257.6 ENROLLMENT.

20 1. ACTUAL ENROLLMENT. Actual enrollment is  
21 determined on the third Friday of September in each  
22 year and includes all of the following:

23 a. Resident pupils who were enrolled in public  
24 schools within the district in grades kindergarten  
25 through twelve and including prekindergarten pupils  
26 enrolled in special education programs.

27 b. Full-time equivalent resident pupils of high  
28 school age for which the district pays tuition to  
29 attend an Iowa area school.

30 c. Shared-time and part-time pupils of school age  
31 enrolled in public schools within the district,  
32 irrespective of the districts in which the pupils  
33 reside, in the proportion that the time for which they  
34 are enrolled or receive instruction for the school  
35 year is to the time that full-time pupils carrying a  
36 normal course schedule, at the same grade level, in  
37 the same school district, for the same school year,  
38 are enrolled and receive instruction. Tuition charges  
39 to the parent or guardian of a shared-time or part-  
40 time nonresident pupil shall be reduced by the amount  
41 of any increased state aid received by the district by  
42 the counting of the pupil.

43 d. Eleventh and twelfth grade nonresident pupils  
44 who were residents of the district during the  
45 preceding school year and are enrolled in the district  
46 until the pupils graduate. Tuition for those pupils  
47 shall not be charged by the district in which the  
48 pupils are enrolled.

49 Pupils attending a university laboratory school are  
50 not counted in the actual enrollment of a school

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1 district, but the laboratory school shall report their  
2 enrollment directly to the department of education.

3 A school district shall certify its actual  
4 enrollment to the department of education by October 1  
5 of each year, and the department shall promptly  
6 forward the information to the department of  
7 management. The department of management shall  
8 determine whether a district is entitled to an advance  
9 for increasing enrollment on the basis of its actual  
10 enrollment.

11 2. BASIC ENROLLMENT. Basic enrollment for a  
12 budget year is a district's actual enrollment for the  
13 base year. Basic enrollment for the base year is a  
14 district's actual enrollment for the year preceding  
15 the base year.

16 3. ADDITIONAL ENROLLMENT BECAUSE OF SPECIAL  
17 EDUCATION. A school district shall determine its  
18 additional enrollment because of special education, as  
19 defined in this section, on December 1 of each year  
20 and shall certify its additional enrollment because of  
21 special education to the department of education by  
22 December 15 of each year, and the department shall  
23 promptly forward the information to the department of  
24 management.

25 For the purposes of this chapter, "additional  
26 enrollment because of special education" is determined  
27 by multiplying the weighting of each category of child  
28 under section 281.9 times the number of children in  
29 each category totaled for all categories minus the  
30 total number of children in all categories.

31 4. BUDGET ENROLLMENT. Budget enrollment for the  
32 budget year shall be calculated for each school  
33 district by the department of management in the manner  
34 provided in this subsection. If the basic enrollment  
35 of a school district has declined from one year to the  
36 next during any of the five years prior to the base  
37 year, the district may be eligible for an enrollment  
38 adjustment based upon the percent of the enrollment  
39 decline and the number of years that have elapsed  
40 since the decline occurred. The budget enrollment for  
41 the budget year shall be calculated by adding together  
42 the following percents of enrollment decline in the  
43 district's basic enrollment from one base year to the  
44 preceding base year for each of the five preceding  
45 base years, commencing with the percent of change  
46 between the basic enrollment for the budget year and  
47 the basic enrollment for the base year, adding the sum  
48 of the percents to one hundred and multiplying the  
49 total by the basic enrollment for the budget year:

50 Years between the Base Year

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	and the Year of Decline				
<u>Percent of Decline</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Less than 1	0	0	0	0	0
1.0 through 2.9	2	2	1	1	0
3.0 through 4.9	4	3	2	2	1
5.0 through 6.9	6	5	4	3	2
7.0 and over	8	7	5	4	3

8 However, if a district's actual enrollment for a  
 9 budget year is greater than its budget enrollment, the  
 10 district is eligible for an advance for increasing  
 11 enrollment as provided in section 257.13.

12 5. BUDGET ENROLLMENT FOR 1991-1992.

13 Notwithstanding subsections 2 and 4, for the budget  
 14 year commencing July 1, 1991, a school district's  
 15 budget enrollment is the larger of the following:

16 a. The sum of twenty percent of the basic  
 17 enrollment for the budget year beginning July 1, 1982,  
 18 calculated under chapter 442, Code 1987, and eighty  
 19 percent of the larger of the basic enrollment for the  
 20 base year or the basic enrollment for the budget year.

21 b. The basic enrollment for the budget year.

22 However, if a district's actual enrollment in that  
 23 year is greater than its budget enrollment, the  
 24 district is eligible for an advance for increasing  
 25 enrollment as provided in section 257.13.

26 6. BUDGET ENROLLMENT FOR 1992-1993.

27 Notwithstanding subsections 2 and 4, for the budget  
 28 year commencing July 1, 1992, a school district's  
 29 budget enrollment is the larger of the following:

30 a. The sum of fifteen percent of the basic  
 31 enrollment for the budget year beginning July 1, 1987,  
 32 calculated under chapter 442, Code 1989, and eighty-  
 33 five percent of the larger of the basic enrollment for  
 34 the base year or the basic enrollment for the budget  
 35 year.

36 b. The basic enrollment for the budget year.

37 However, if a district's actual enrollment in that  
 38 year is greater than its budget enrollment, the  
 39 district is eligible for an advance for increasing  
 40 enrollment as provided in section 257.13.

41 7. WEIGHTED ENROLLMENT. Weighted enrollment is

42 the budget enrollment plus the district's additional  
 43 enrollment because of special education calculated on  
 44 December 1 of the base year plus additional pupils  
 45 added due to the application of the supplementary  
 46 weighting.

47 Weighted enrollment for special education support  
 48 services costs is equal to the weighted enrollment  
 49 minus the additional pupils added due to the  
 50 application of the supplementary weighting.

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1 Sec. 7. NEW SECTION. 257.7 AUTHORIZED  
2 EXPENDITURES.

3 1. BUDGETS. School districts are subject to  
4 chapter 24. The authorized expenditures of a school  
5 district during a base year shall not exceed the  
6 lesser of the budget for that year certified under  
7 section 24.17 plus any allowable amendments permitted  
8 in this section, or the authorized budget, which is  
9 the sum of the district cost for that year, the actual  
10 miscellaneous income received for that year, and the  
11 actual unspent balance from the preceding year.

12 2. BUDGET AMENDMENTS. If actual miscellaneous  
13 income for a budget year exceeds the anticipated  
14 miscellaneous income in the certified budget for that  
15 year, or if an unspent balance has not been previously  
16 certified, a school district may amend its certified  
17 budget.

18 Sec. 8. NEW SECTION. 257.8 STATE PERCENT OF  
19 GROWTH — ALLOWABLE GROWTH.

20 1. CALCULATION BY DEPARTMENT OF MANAGEMENT. On or  
21 before September 15, of each year, the department of  
22 management shall compute a state percent of growth for  
23 the next budget year.

24 2. BUDGET YEAR CALCULATION. For the budget year,  
25 the state percent of growth is an average of the  
26 following four percents of growth in paragraphs "a"  
27 and "b" except as otherwise provided in subsection 3:

28 a. The difference in the percents of change in  
29 receipts of state general fund revenues, computed or  
30 estimated by the state revenue estimating conference  
31 created in section 8.22A as follows:

32 (1) The percent of change between the revenues  
33 received during the second year preceding the base  
34 year and the revenues received during the year  
35 preceding the base year.

36 (2) The percent of change between the revenues  
37 received during the year preceding the base year and  
38 the revenues received during the base year.

39 For the purpose of this lettered paragraph,  
40 receipts of state general fund revenues do not include  
41 one-time nonrecurring receipts or receipts that are  
42 accounting transactions made to meet the requirements  
43 of 1986 Iowa Acts, chapter 1238, section 59.

44 b. The difference in the gross national product  
45 implicit price deflators, based to the extent possible  
46 on the latest available values for these deflators,  
47 published by the bureau of economic analysis, United  
48 States department of commerce, computed or estimated  
49 as a percent of change as follows:

50 (1) From the value for the year ending December 31

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1 eighteen months before the beginning of the base year  
2 to the value for the year ending December 31 six  
3 months before the beginning of the base year.

4 (2) From the value for the year ending December 31  
5 six months before the beginning of the base year to  
6 the value for the year ending December 31 in the base  
7 year.

8 3. EXCEPTION. If the average of the percents  
9 computed or estimated under paragraph "b" of  
10 subsection 2 exceeds the average of the percents  
11 computed or estimated under paragraph "a" of  
12 subsection 2, the state percent of growth for that  
13 budget year shall be the average of the two percents  
14 of growth computed or estimated under paragraph "a".

15 4. NEGATIVE PERCENT. If the state percent of  
16 growth computed for a budget year is negative, that  
17 percent shall not be used and the state percent of  
18 growth shall be zero.

19 5. RECOMPUTATION. On or before September 15 of  
20 the base year, the department of management shall  
21 recompute the state percent of growth for the previous  
22 year using adjusted estimates and the actual figures  
23 available. The difference between the recomputed  
24 state percent of growth for the previous year and the  
25 original computation shall be added to or subtracted  
26 from the state percent of growth for the budget year.  
27 However, on or before September 15, 1990, the  
28 department of management shall recompute the state  
29 percent of growth for the previous year in the manner  
30 provided in section 442.7, Code 1989.

31 With regard to values of gross national product  
32 implicit price deflators, the recomputation of the  
33 state percent of growth for the previous year shall be  
34 made only with respect to the value of the deflator  
35 for the year which occurred subsequent to the  
36 calculation of the state percent of growth for the  
37 previous year. If subsection 3 is used in the  
38 calculation of the state percent of growth for the  
39 previous year, the calculation made in subsection 2,  
40 paragraph "b", shall not be used in the recomputation  
41 of the state percent of growth for the previous year.

42 6. ALLOWABLE GROWTH CALCULATION. The department  
43 of management shall calculate the regular program  
44 allowable growth for a budget year by multiplying the  
45 state percent of growth for the budget year by the  
46 regular program state cost per pupil for the base year  
47 and shall calculate the special education support  
48 services allowable growth for the budget year by  
49 multiplying the state percent of growth for the budget  
50 year by the special education support services state

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1 cost per pupil for the base year.

2 7. COMBINED ALLOWABLE GROWTH. The combined  
3 allowable growth per pupil for each school district is  
4 the sum of the regular program allowable growth per  
5 pupil and the special education support services  
6 allowable growth per pupil for the budget year, which  
7 may be modified as follows:

8 a. By the school budget review committee under  
9 section 257.22.

10 b. By the department of management under section  
11 257.38.

12 Sec. 9. NEW SECTION. 257.9 STATE COST PER PUPIL.

13 1. REGULAR PROGRAM STATE COST PER PUPIL FOR 1991-

14 1992. For the budget year beginning July 1, 1991, for  
15 the regular program state cost per pupil, the  
16 department of management shall add together the state  
17 total of the district costs of all school districts  
18 for the base year, as district cost is defined in  
19 section 442.9, Code 1989, plus the total of the  
20 amounts added to the district cost of school districts  
21 pursuant to section 442.21, Code 1989, plus the amount  
22 included in the districts' budgets in the state for  
23 the fiscal year beginning July 1, 1986, for the  
24 additional portion of the livestock tax credit  
25 pursuant to section 442.2, subsection 2, as it  
26 appeared in the 1987 Code and plus the difference  
27 between the following amounts:

28 a. The general allocation of the school district  
29 as determined under section 405A.2, Code 1989.

30 b. The foundation property tax rate multiplied by  
31 the total actual value of all personal property  
32 assessed for valuation in the school district as of  
33 January 1, 1973, excluding livestock.

34 2. CALCULATION. The total calculated under  
35 subsection 1 shall be divided by the total enrollment  
36 of all school districts calculated separately for each  
37 using twenty percent of the basic enrollment for the  
38 budget year beginning July 1, 1981, and eighty percent  
39 of the higher of the basic enrollment for the budget  
40 year beginning July 1, 1989, or the basic enrollment  
41 for the budget year beginning July 1, 1990, except as  
42 otherwise provided in this subsection. For the  
43 purpose of this subsection, "basic enrollment" means  
44 basic enrollment as defined in section 442.4, Code  
45 1989. The regular program state cost per pupil for  
46 the budget year beginning July 1, 1991, is the amount  
47 calculated by the department of management under this  
48 subsection plus an allowable growth amount that is  
49 equal to the state percent of growth for the budget  
50 year multiplied by the amount calculated by the

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1 department of management under this subsection, plus  
 2 the total of twenty dollars times one hundred percent  
 3 plus the state percent of growth for the budget year  
 4 for the cost of providing programs for gifted and  
 5 talented pupils.

6 If the enrollment calculated in this subsection for  
 7 a school district is less than the basic enrollment  
 8 for the budget year for that school district, the  
 9 basic enrollment for the budget year for that school  
 10 district shall be used.

11 3. REGULAR PROGRAM STATE COST PER PUPIL FOR 1992-

12 1993. For the budget year beginning July 1, 1992, for  
 13 the regular program state cost per pupil, the  
 14 department of management shall add together the state  
 15 total of the district costs of all school districts  
 16 for the base year, calculated under section 257.10,  
 17 subsections 1 and 2, and divide that total by the  
 18 total enrollment of all school districts calculated  
 19 separately and totaled, using twenty percent of the  
 20 basic enrollment for the budget year beginning July 1,  
 21 1986, and eighty percent of the higher of the basic  
 22 enrollment for the base year or the basic enrollment  
 23 for the year preceding the base year, except as  
 24 otherwise provided in this section. The regular  
 25 program state cost per pupil for the budget year is  
 26 the amount calculated by the department of management  
 27 under this subsection plus an allowable growth amount  
 28 that is equal to the state percent of growth for the  
 29 budget year multiplied by the amount calculated by the  
 30 department of management under this subsection.

31 For the purposes of this subsection, basic  
 32 enrollment for the base year means basic enrollment as  
 33 defined in section 257.6 and basic enrollment for the  
 34 year preceding the base year means basic enrollment as  
 35 defined in section 442.4, Code 1989.

36 If the enrollment calculated in this subsection for  
 37 a school district is less than the basic enrollment  
 38 for the budget year for that school district, the  
 39 department of management shall use the basic  
 40 enrollment for the budget year for that school  
 41 district.

42 4. REGULAR PROGRAM STATE COST PER PUPIL FOR 1993-

43 1994. For the budget year beginning July 1, 1993, for  
 44 the regular program state cost per pupil, the  
 45 department of management shall add together the state  
 46 total of the district costs of all school districts  
 47 for the base year, calculated under section 257.10,  
 48 and divide that total by the total of the budget  
 49 enrollments of all school districts for the budget  
 50 year beginning July 1, 1992, calculated under section

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1 257.6, subsection 4, if section 257.6, subsection 4,  
2 had been in effect for that budget year. The regular  
3 program state cost per pupil for the budget year is  
4 the amount calculated by the department of management  
5 under this subsection plus an allowable growth amount  
6 that is equal to the state percent of growth for the  
7 budget year multiplied by the amount calculated by the  
8 department of management under this subsection, and  
9 minus thirteen dollars.

10 5. REGULAR PROGRAM STATE COST PER PUPIL FOR 1994-  
11 1995 AND SUCCEEDING YEARS. For the budget year  
12 beginning July 1, 1994, and succeeding budget years,  
13 the regular program state cost per pupil for a budget  
14 year is the regular program state cost per pupil for  
15 the base year plus the regular program allowable  
16 growth for the budget year.

17 6. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
18 PER PUPIL FOR 1991-1992. For the budget year  
19 beginning July 1, 1991, for the special education  
20 support services state cost per pupil, the department  
21 of management shall divide the total of the approved  
22 budgets of the area education agencies for special  
23 education support services for that year approved by  
24 the state board of education under section 273.3,  
25 subsection 12, by the total of the weighted enrollment  
26 for special education support services in the state  
27 for the budget year. The special education support  
28 services state cost per pupil for the budget year is  
29 the amount calculated by the department of management  
30 under this subsection.

31 7. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
32 PER PUPIL FOR 1992-1993. For the budget year  
33 beginning July 1, 1992, for the special education  
34 support services state cost per pupil, the department  
35 of management shall divide the total of the approved  
36 budgets of the area education agencies for special  
37 education support services for that year approved by  
38 the state board of education under section 273.3,  
39 subsection 12, by the total of the weighted enrollment  
40 for special education support services in the state  
41 for the budget year. The special education support  
42 services state cost per pupil for the budget year is  
43 the amount calculated by the department of management  
44 under this subsection.

45 8. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
46 PER PUPIL FOR 1993-1994. For the budget year  
47 beginning July 1, 1993, for the special education  
48 support services state cost per pupil, the department  
49 of management shall divide the total of the approved  
50 budgets of the area education agencies for special

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1 education support services for that year approved by  
2 the state board of education under section 273.3,  
3 subsection 12, by the total of the weighted enrollment  
4 for special education support services in the state  
5 for the budget year. The special education support  
6 services state cost per pupil for the budget year is  
7 the amount calculated by the department of management  
8 under this subsection.

9 9. SPECIAL EDUCATION SUPPORT SERVICES STATE COST  
10 PER PUPIL FOR 1994-1995 AND SUCCEEDING YEARS. For the  
11 budget year beginning July 1, 1994, and succeeding  
12 budget years, the special education support services  
13 state cost per pupil for the budget year is the  
14 special education support services state cost per  
15 pupil for the base year plus the special education  
16 support services allowable growth for the budget year.

17 10. COMBINED STATE COST PER PUPIL. The combined  
18 state cost per pupil is the sum of the regular program  
19 state cost per pupil and the special education support  
20 services state cost per pupil.

21 Sec. 10. NEW SECTION. 257.10 DISTRICT COST PER  
22 PUPIL - DISTRICT COST.

23 1. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR  
24 1991-1992. For the budget year beginning July 1,  
25 1991, in order to determine the regular program  
26 district cost per pupil, the department of management  
27 shall divide the regular program district cost for the  
28 base year, as defined in section 442.9, Code 1989,  
29 plus the amount added to district cost pursuant to  
30 section 442.21, Code 1989, for each school district,  
31 by the enrollment of the school district calculated  
32 using twenty percent of the basic enrollment for the  
33 budget year beginning July 1, 1981, and eighty percent  
34 of the higher of the basic enrollment for the budget  
35 year beginning July 1, 1989, or the basic enrollment  
36 for the budget year beginning July 1, 1990, except as  
37 otherwise provided in this subsection. Basic  
38 enrollment means basic enrollment as defined in  
39 section 442.4, Code 1989.

40 If the enrollment calculated in this subsection for  
41 a school district is less than the basic enrollment  
42 for the budget year for that school district, the  
43 basic enrollment for the budget year shall be used for  
44 that school district instead.

45 The regular program district cost per pupil for the  
46 budget year beginning July 1, 1991, is the amount  
47 calculated by the department of management under this  
48 subsection plus the allowable growth amount calculated  
49 for regular program state cost per pupil under section  
50 257.9, subsection 2, except that if the regular

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1 program district cost per pupil for the budget year  
2 calculated under this subsection in any school  
3 district exceeds one hundred ten percent of the  
4 regular program state cost per pupil for the budget  
5 year minus the total of twenty dollars times one  
6 hundred percent plus the state percent of growth for  
7 the budget year, the department of management shall  
8 reduce the regular program district cost of that  
9 district to an amount equal to that one hundred ten  
10 percent amount and shall add to that amount the total  
11 of twenty dollars times one hundred percent plus the  
12 state percent of growth for the budget year for the  
13 cost of providing programs for gifted and talented  
14 pupils.

15 2. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR  
16 1992-1993. For the budget year beginning July 1,  
17 1992, in order to determine the regular program  
18 district cost per pupil, the department of management  
19 shall divide the regular program district cost for the  
20 base year by the enrollment of the school district,  
21 calculated using twenty percent of the basic  
22 enrollment for the budget year beginning July 1, 1986,  
23 and eighty percent of the higher of the basic  
24 enrollment for the base year or the basic enrollment  
25 for the year preceding the base year, except as  
26 otherwise provided in this section. The regular  
27 program district cost per pupil for the budget year  
28 beginning July 1, 1992, is the amount calculated by  
29 the department of management under this subsection  
30 plus the allowable growth amount calculated for  
31 regular program state cost per pupil under section  
32 257.9, subsection 3, except that if the regular  
33 program district cost per pupil for the budget year  
34 calculated under this subsection in any school  
35 district exceeds one hundred ten percent of the  
36 regular program state cost per pupil for the budget  
37 year, the department of management shall reduce the  
38 regular program district cost of that district to an  
39 amount equal to one hundred ten percent of the state  
40 cost per pupil.

41 For the purposes of this subsection, basic  
42 enrollment for the base year means basic enrollment as  
43 defined in section 257.6 and basic enrollment for the  
44 year preceding the base year means basic enrollment as  
45 defined in section 442.4, Code 1989.

46 If the enrollment calculated in this subsection for  
47 a school district is less than the basic enrollment of  
48 the budget year for that school district, the  
49 department of management shall use the basic  
50 enrollment for the budget year for that school

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1 district instead.

2 3. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR

3 1993-1994. For the budget year beginning July 1,

4 1993, the regular program district cost per pupil is

5 the regular program state cost per pupil for that

6 budget year calculated under section 257.9, subsection

7 4.

8 4. REGULAR PROGRAM DISTRICT COST PER PUPIL FOR

9 1994-1995 AND SUCCEEDING YEARS. For the budget year

10 beginning July 1, 1994, and succeeding budget years,

11 the regular program district cost per pupil for each

12 school district for a budget year is the regular

13 program district cost per pupil for the base year plus

14 the regular program allowable growth for the budget

15 year.

16 5. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

17 COST PER PUPIL FOR 1991-1992. For the budget year

18 beginning July 1, 1991, for the special education

19 support services district cost per pupil, the

20 department of management shall divide the approved

21 budget of each area education agency for special

22 education support services for that year approved by

23 the state board of education, under section 273.3,

24 subsection 12, by the total of the weighted enrollment

25 for special education support services in the area for

26 that budget year.

27 The special education support services district

28 cost per pupil for each school district in an area for

29 the budget year is the amount calculated by the

30 department of management under this subsection.

31 6. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

32 COST PER PUPIL FOR 1992-1993. For the budget year

33 beginning July 1, 1992, for the special education

34 support services district cost per pupil, the

35 department of management shall divide the approved

36 budget of each area education agency for special

37 education support services for that year approved by

38 the state board of education under section 273.3,

39 subsection 12, by the total of the weighted enrollment

40 for special education support services in the area for

41 the budget year.

42 The special education support services district

43 cost per pupil for each school district in an area for

44 the budget year is the amount calculated by the

45 department of management under this subsection.

46 7. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT

47 COST PER PUPIL FOR 1993-1994. For the budget year

48 beginning July 1, 1993, for the special education

49 support services district cost per pupil, the

50 department of management shall divide the approved

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1 budget of each area education agency for special  
2 education support services for that year approved by  
3 the state board of education under section 273.3,  
4 subsection 12, by the total of the weighted enrollment  
5 for special education support services in the area for  
6 the budget year.

7 The special education support services district  
8 cost per pupil for each school district in an area for  
9 the budget year is the amount calculated by the  
10 department of management under this subsection.

11 8. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT  
12 COST PER PUPIL FOR 1994-1995 AND SUCCEEDING YEARS.

13 For the budget year beginning July 1, 1994, and  
14 succeeding budget years, the special education support  
15 services district cost per pupil for the budget year  
16 is the special education support services district  
17 cost per pupil for the base year plus the special  
18 education support services allowable growth for the  
19 budget year.

20 9. COMBINED DISTRICT COST PER PUPIL. The combined  
21 district cost per pupil for a school district is the  
22 sum of the regular program district cost per pupil and  
23 the special education support services district cost  
24 per pupil. Combined district cost per pupil does not  
25 include additional allowable growth added for school  
26 districts that have a negative balance of funds raised  
27 for special education instruction programs under  
28 section 257.29, additional allowable growth granted by  
29 the school budget review committee for a single school  
30 year, or additional allowable growth added for  
31 programs for dropout prevention.

32 10. REGULAR PROGRAM DISTRICT COST. Regular  
33 program district cost for a school district for a  
34 budget year is equal to the regular program district  
35 cost per pupil for the budget year multiplied by the  
36 weighted enrollment for the budget year.

37 11. SPECIAL EDUCATION SUPPORT SERVICES DISTRICT  
38 COST. Special education support services district  
39 cost for a school district for a budget year is equal  
40 to the special education support services district  
41 cost per pupil for the budget year multiplied by the  
42 special education support services weighted enrollment  
43 for the district for the budget year. If the special  
44 education support services district cost for a school  
45 district for a budget year is less than the special  
46 education support services district cost for that  
47 district for the base year, the department of  
48 management shall adjust the special education support  
49 services district cost for that district for the  
50 budget year to equal the special education support

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1 services district cost for the base year.  
2 12. COMBINED DISTRICT COST. Combined district  
3 cost is the sum of the regular program district cost  
4 and the special education support services district  
5 cost, plus the additional district cost allocated to  
6 the district under section 257.34 to fund media  
7 services and educational services provided through the  
8 area education agency.

9 A school district may increase its district cost  
10 for the budget year to the extent that an excess tax  
11 levy is authorized by the school budget review  
12 committee under section 257.29.

13 Sec. 11. NEW SECTION. 257.11 SUPPLEMENTARY  
14 WEIGHTING PLAN.

15 For the budget years beginning July 1, 1991, and  
16 July 1, 1992, in order to provide additional funds for  
17 school districts which send their resident pupils to  
18 another school district or to an area school for  
19 classes, which jointly employ and share the services  
20 of teachers under section 280.15, which use the  
21 services of a teacher employed by another school  
22 district, or which jointly employ and share the  
23 services of school administrators under section  
24 280.15, a supplementary weighting plan for determining  
25 enrollment is adopted as follows:

26 1. REGULAR CURRICULUM. Pupils in a regular  
27 curriculum attending all their classes in the district  
28 in which they reside, taught by teachers employed by  
29 that district, and having administrators employed by  
30 that district, are assigned a weighting of one.

31 2. SHARED CLASSES OR TEACHERS. If the school  
32 budget review committee certifies to the department of  
33 management that the shared classes or teachers would  
34 otherwise not be implemented without the assignment of  
35 additional weighting, pupils attending classes in  
36 another school district or an area school, attending  
37 classes taught by a teacher who is employed jointly  
38 under section 280.15, or attending classes taught by a  
39 teacher who is employed by another school district,  
40 are assigned a weighting of one plus an additional  
41 portion of one times the percent of the pupil's school  
42 day during which the pupil attends classes in another  
43 district or area school, attends classes taught by a  
44 teacher who is jointly employed under section 280.15,  
45 or attends classes taught by a teacher who is employed  
46 by another school district.

47 3. WHOLE GRADE SHARING. In districts that have  
48 executed whole grade sharing agreements under section  
49 282.10 through 282.12, the school budget review  
50 committee shall assign an additional weighting equal

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1 to one plus an additional portion of one times the  
2 percent of the pupil's school day in which a pupil  
3 attends classes in another district or an area school,  
4 attends classes taught by a teacher who is employed  
5 jointly under section 280.15, or attends classes  
6 taught by a teacher who is employed by another  
7 district.

8 4. PUPILS INELIGIBLE. A pupil eligible for the  
9 weighting plan provided in section 281.9 is not  
10 eligible for the weighting plan provided in this  
11 section.

12 5. SHARED SUPERINTENDENTS. Pupils enrolled in a  
13 school district in which one or more administrators  
14 are employed jointly under section 280.15, or in which  
15 one or more administrators are employed under section  
16 273.7A, are assigned a weighting of one plus an  
17 additional portion of one for each administrator who  
18 is jointly employed times the percent of the  
19 administrator's time in which the administrator is  
20 employed in the school district. However, the total  
21 additional weighting assigned under this subsection  
22 for a budget year for a school district shall not  
23 exceed seven and one-half and the total additional  
24 weighting added cumulatively to the enrollment of a  
25 school district sharing an administrator shall not  
26 exceed twelve and one-half.

27 For the purposes of this subsection,  
28 "administrators" includes the following:

29 a. Executive administrators, which includes the  
30 superintendent and such assistants as deputy,  
31 associate, and assistant superintendents who perform  
32 activities in the general direction and management of  
33 the affairs of the local school districts.

34 b. School administrators, which includes assistant  
35 principals, and other assistants in general  
36 supervision of the operations of the school. School  
37 administrators does not include principals.

38 c. Business administrators, which includes  
39 personnel associated with activities concerned with  
40 purchasing, paying for, transporting, exchanging, and  
41 maintaining goods and services for the school  
42 district.

43 6. CALCULATION OF WEIGHTS. The school budget  
44 review committee shall calculate the weights to be  
45 used under subsections 2 and 3 to the nearest one-  
46 hundredth of one and under subsection 5 to the next  
47 highest one-hundredth of one so that, to the extent  
48 possible, the moneys generated by the weighting will  
49 be equivalent to the moneys generated by the one-  
50 tenth, five-tenths, and twenty-five-thousands

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1 weighting provided in section 442.39, Code 1989.

2 Sec. 12. NEW SECTION. 257.12 SUPPLEMENTARY  
3 WEIGHTING AND SCHOOL REORGANIZATION.

4 A reorganized school district in which additional  
5 pupils were added under section 442.39A, Code 1989,  
6 shall continue to have additional pupils added,  
7 subject to changes in weighting made under this  
8 chapter until the expiration of the five-year period  
9 provided in that section.

10 Sec. 13. NEW SECTION. 257.13 ADVANCE FOR  
11 INCREASING ENROLLMENT.

12 If a district's actual enrollment for the budget  
13 year, determined under section 257.6, is greater than  
14 its budget enrollment for the budget year, the  
15 district is granted an advance from the state of an  
16 amount equal to its regular program district cost per  
17 pupil for the budget year multiplied by the difference  
18 between the actual enrollment for the budget year and  
19 the budget enrollment for the budget year. The  
20 advance is miscellaneous income.

21 If a district receives an advance under this  
22 section for a budget year, the department of  
23 management shall determine the amount of the advance  
24 which would have been generated by local property tax  
25 revenues if the actual enrollment for the budget year  
26 had been used in determining district cost for that  
27 budget year, shall reduce the district's total state  
28 school aids otherwise available under this chapter for  
29 the next following budget year by the amount so  
30 determined, and shall increase the district's  
31 additional property tax levy for the next following  
32 budget year by the amount necessary to compensate for  
33 the reduction in state aid, so that the local property  
34 tax for the next following year will be increased only  
35 by the amount which it would have been increased in  
36 the budget year if the enrollment calculated in this  
37 section could have been used to establish the levy.

38 There is appropriated each fiscal year from the  
39 general fund of the state to the department of  
40 education the amount required to pay advances  
41 authorized under this section, which shall be paid to  
42 school districts in the same manner as other state  
43 aids are paid under section 257.16.

44 Sec. 14. NEW SECTION. 257.14 BUDGET ADJUSTMENT.

45 For the budget years beginning July 1, 1991, July  
46 1, 1992, and July 1, 1993, if the department of  
47 management determines that the regular program  
48 district cost of a school district for a budget year  
49 is less than the total of the regular program district  
50 cost plus any adjustment added under this section for

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1 the base year for that school district, the department  
2 of management shall provide a budget adjustment for  
3 that district for that budget year that is equal to  
4 the difference.

5 For the budget year beginning July 1, 1991, the  
6 department of management shall use the regular program  
7 district cost for that budget year of a school  
8 district calculated pursuant to chapter 442, Code  
9 1989, plus the amount added to district cost pursuant  
10 to section 442.21, Code 1989, as the district's base  
11 year regular program district cost. For the budget  
12 year beginning July 1, 1991, in calculating the  
13 district's regular program district cost, the  
14 department of management shall subtract from the  
15 district's district cost per pupil the amount added  
16 under section 257.10, subsection 1, for a program for  
17 gifted and talented pupils.

18 Sec. 15. NEW SECTION. 257.15 PROPERTY TAX  
19 ADJUSTMENT.

20 1. PROPERTY TAX ADJUSTMENTS FOR 1991-1992, 1992-  
21 1993, AND 1993-1994. For each of the budget years  
22 beginning July 1, 1991, July 1, 1992, and July 1,  
23 1993, the department of management shall calculate for  
24 each district the difference between the sum of the  
25 revenues generated by the foundation property tax and  
26 the additional property tax in the district calculated  
27 under this chapter and the revenues that would have  
28 been generated by the foundation property tax and the  
29 additional property tax in that district for that  
30 budget year calculated under chapter 442, Code 1989,  
31 if chapter 442 were in effect, except that the  
32 revenues that would have been generated by the  
33 additional property tax levy under chapter 442 shall  
34 not include revenues generated for gifted and talented  
35 children programs and for the school improvement  
36 program. If the property tax revenues for a district  
37 calculated under this chapter, excluding the amount  
38 generated pursuant to section 257.20, exceed the  
39 property tax revenues for that district calculated  
40 under chapter 442, Code 1989, the department of  
41 management shall reduce the revenues raised by the  
42 additional property tax levy in that district under  
43 this chapter by that difference and the department of  
44 education shall pay property tax adjustment aid to the  
45 district equal to that difference.

46 2. PROPERTY TAX ADJUSTMENT AID FOR 1994-1995 AND  
47 SUCCEEDING YEARS. For the budget year beginning July  
48 1, 1994, and succeeding budget years, the department  
49 of education shall pay property tax adjustment aid to  
50 a school district equal to the amount paid to the

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1 district for the base year less an amount equal to the  
2 product of the percent by which the taxable valuation  
3 in the district increased, if the taxable valuation  
4 increased, from January 1 of the year prior to the  
5 base year to January 1 of the base year and the  
6 property tax adjustment aid. The department of  
7 management shall adjust the rate of the additional  
8 property tax accordingly and notify the department of  
9 education of the amount of aid to be paid to each  
10 district.

**11 3. PROPERTY TAX ADJUSTMENT AID APPROPRIATION.**

12 There is appropriated from the general fund of the  
13 state to the department of education, for each fiscal  
14 year, an amount necessary to pay property tax  
15 adjustment aid to school districts under this section.  
16 Property tax adjustment aid shall be paid to school  
17 districts in the manner provided in section 257.16 for  
18 foundation aid.

**19 Sec. 16. NEW SECTION. 257.16 APPROPRIATIONS.**

20 There is appropriated each year from the general  
21 fund of the state an amount necessary to pay the  
22 foundation aid.

23 All state aids paid under this chapter, unless  
24 otherwise stated, shall be paid in monthly  
25 installments beginning on September 15 of a budget  
26 year and ending on June 15 of the budget year and the  
27 installments shall be as nearly equal as possible as  
28 determined by the department of management, taking  
29 into consideration the relative budget and cash  
30 position of the state resources. However, the state  
31 aid paid to school districts under section 257.13  
32 shall be paid in monthly installments beginning on  
33 December 15 and ending on June 15 of a budget year.

34 All moneys received by a school district from the  
35 state under this chapter shall be deposited in the  
36 general fund of the school district, and may be used  
37 for any school general fund purpose.

**38 Sec. 17. NEW SECTION. 257.17 AID REDUCTION FOR  
39 EARLY SCHOOL STARTS.**

40 State aid payments made pursuant to section 257.16  
41 for a fiscal year shall be reduced by one one-hundred-  
42 eightieth for each day of that fiscal year for which  
43 the school district begins school before the earliest  
44 starting date specified in section 279.10, subsection  
45 1. However, this section does not apply to a school  
46 district that has received approval from the director  
47 of the department of education under section 279.10,  
48 subsection 4, to commence classes for regularly  
49 established elementary and secondary schools in  
50 advance of the starting date established in section

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1 279.10, subsection 1.

2 Sec. 18. NEW SECTION. 257.18 SIZE ADJUSTMENT  
3 PAYMENT.

4 Annually the department of education shall pay to  
5 each school district in which the basic enrollment for  
6 the budget year is five hundred or fewer, and to each  
7 area education agency in which there are fewer than an  
8 average of three and one-half public school pupils per  
9 square mile, a size adjustment payment. School  
10 districts are eligible to receive the size adjustment  
11 payment only if the expenditures for executive  
12 administration of the school district as a percent of  
13 the district's operating fund for the base year are  
14 equal to or less than one hundred ten percent of the  
15 average of the base year expenditures for executive  
16 administration of all school districts as a percent of  
17 their operating funds. The size adjustment payment  
18 for school districts is an amount determined by  
19 multiplying the size adjustment percent by an amount  
20 equal to the state cost per pupil multiplied by the  
21 basic enrollment of the district for the budget year.  
22 The size adjustment percent is the square of the  
23 difference between five hundred and the district's  
24 basic enrollment for the budget year, divided by eight  
25 hundred. The size adjustment payment for area  
26 education agencies is forty dollars multiplied by the  
27 enrollment served in the area education agency.

28 There is appropriated from the general fund of the  
29 state to the department of education for each fiscal  
30 year the sum of seven million dollars, or so much  
31 thereof as is necessary, to pay the size adjustment  
32 payments to school districts and area education  
33 agencies in the amounts calculated under this section.  
34 Size adjustment payments are miscellaneous income. If  
35 the amount appropriated is insufficient to pay the  
36 size adjustment payments to school districts and area  
37 education agencies in full, the department of  
38 education shall prorate the amounts of the payments.

39 If any amount of the appropriation is left at the  
40 end of a fiscal year, the department shall distribute  
41 it pro rata to school districts with classes, in  
42 grades kindergarten through sixth grade, which exceed  
43 twenty-five students in size, to assist those  
44 districts to reduce the size of those classes. The  
45 moneys shall be distributed to each such district in  
46 the proportion that the district's number of students  
47 in classes, in grades kindergarten through sixth  
48 grade, which exceed twenty-five students in size is to  
49 the total number of students in such classes in all  
50 districts.

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1 The department of education shall submit  
2 recommendations to the general assembly meeting in  
3 1993 for fully funding the size adjustment.

4 Sec. 19. NEW SECTION. 257.19 EDUCATIONAL  
5 IMPROVEMENT PROGRAM.

6 The board of directors of a school district may  
7 hold a hearing and call an election in the manner  
8 provided for approval of the instructional support  
9 program in section 257.20. The proposition voted upon  
10 at the election is whether the school district shall  
11 establish an educational improvement program to  
12 provide additional revenues each fiscal year equal to  
13 a specified percent of the district cost of the  
14 district. If a majority of those voting on the  
15 proposition approves it, annually the board shall  
16 certify the amount to be raised under the educational  
17 improvement program to the department of management.

18 The educational improvement program shall be funded  
19 by either an educational improvement property tax or  
20 by a combination of an educational improvement  
21 property tax and an educational improvement income  
22 surtax. The combination of the educational  
23 improvement property tax and the educational  
24 improvement income surtax shall be imposed in the  
25 proportion of a property tax of twenty-seven cents per  
26 thousand dollars of assessed valuation of taxable  
27 property in the district for each five percent of  
28 income surtax. However, if the board is using the  
29 combination of the educational improvement property  
30 tax and the educational improvement income surtax and  
31 the amount of revenue to be raised for the educational  
32 improvement program is greater than the amount that  
33 could be financed by a property tax of fifty-four  
34 cents per thousand dollars of assessed valuation of  
35 taxable property in the district and ten percent of  
36 income surtax, the portion in excess of those rates  
37 shall be financed by property tax. The department of  
38 management shall establish the amount of the  
39 educational improvement property tax to be levied or  
40 the amount of the combination of the educational  
41 improvement property tax to be levied and the amount  
42 of the school district income surtax to be imposed for  
43 each school year that the educational improvement  
44 amount is authorized.

45 Once approved at an election, the authority of the  
46 board to use the educational improvement program shall  
47 continue until the board votes to rescind the  
48 educational improvement program or the voters of the  
49 school district by majority vote order the  
50 discontinuance of the program. The board shall call

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1 an election to vote on the proposition whether to  
2 discontinue the program upon the receipt of a petition  
3 signed by at least ten percent of the number of  
4 electors voting at the last preceding school election.

5 The educational improvement property tax and  
6 educational improvement income surtax shall be levied  
7 and imposed in the same manner as provided for the  
8 instructional support program in sections 257.20  
9 through 257.26. Moneys received under the educational  
10 improvement program are miscellaneous income.

11 Sec. 20. NEW SECTION. 257.20 INSTRUCTIONAL  
12 SUPPORT PROGRAM.

13 For the budget year beginning July 1, 1991, and  
14 succeeding budget years, the board of directors may  
15 call an election to vote on the proposition whether to  
16 provide additional funding for an instructional  
17 support program for a period not exceeding five years.  
18 Prior to calling the election, the board shall hold a  
19 public hearing on the question. The additional  
20 funding for the program is limited to an amount not  
21 exceeding ten percent of the total of regular program  
22 district cost and moneys received under section 257.14  
23 as a budget adjustment for the budget year. Moneys  
24 received by a district for the instructional support  
25 program are miscellaneous income and may be used for  
26 any general fund purpose.

27 The board of directors shall direct the county  
28 commissioner of elections to submit the question of  
29 whether to participate in the instructional support  
30 program to the qualified electors residing in the  
31 district at a regular school election or special  
32 election held not later than December 1. If a  
33 majority of those voting on the question favors  
34 participating in the instructional support program,  
35 the board may certify the budget for the program to  
36 the department of management for each of the next five  
37 years.

38 After approval at an election, certification of a  
39 board's intent to participate in the instructional  
40 support program for a budget year and the method of  
41 funding shall be made to the department of management  
42 not later than March 15 of the base year. Funding for  
43 the instructional support program shall be obtained  
44 from instructional support state aid, and from either  
45 an instructional support property tax or a combination  
46 of an instructional support property tax and an  
47 instructional support income surtax, as determined by  
48 the board. The department of management shall  
49 calculate the amount to be raised for the  
50 instructional support program and the amount of

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1 instructional support state aid in the manner provided  
2 in this section.

3 In order to determine the amount to be raised by  
4 the instructional support property tax, or by the  
5 combination of the instructional support property tax  
6 and the instructional support income surtax for a  
7 district, the department of management shall divide  
8 the total assessed valuation in the state by the total  
9 budget enrollment for the budget year in the state to  
10 determine a state assessed valuation per pupil and  
11 shall divide the assessed valuation in each district  
12 by the district's budget enrollment for the budget  
13 year to determine the district valuation per pupil.  
14 The department of management shall multiply the ratio  
15 of the state's valuation per pupil to the district's  
16 valuation per pupil by twenty-five hundredths and  
17 subtract that result from one to determine the portion  
18 of the instructional support budget that is funded by  
19 the instructional support property tax or the  
20 combination of the instructional support property tax  
21 and the instructional support income surtax. The  
22 remainder of the budget of the instructional support  
23 program shall be funded by instructional support state  
24 aid.

25 If a school district has approved the use of the  
26 instructional support program at an election, the  
27 district cannot also collect moneys under the  
28 additional enrichment amount approved by the voters  
29 under chapter 442 for that budget year.

30 There is appropriated for each fiscal year from the  
31 general fund of the state to the department of  
32 education, an amount necessary to pay instructional  
33 support state aid as provided in this section.  
34 Instructional support state aid shall be paid at the  
35 same time and in the same manner as foundation aid is  
36 paid under section 257.16.

37 The instructional support property tax shall be  
38 levied in the manner provided for the additional  
39 property tax under section 257.4. If an income surtax  
40 is used in combination with the instructional support  
41 property tax, the instructional support income surtax  
42 shall be imposed as provided in sections 257.21  
43 through 257.26.

44 The combination of the instructional support  
45 property tax and instructional support income surtax  
46 shall be imposed in the proportion of a property tax  
47 of twenty-seven cents per thousand dollars of assessed  
48 valuation of taxable property in the district for each  
49 five percent of income surtax, not exceeding a  
50 property tax of one dollar and eight cents per

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1 thousand dollars of assessed valuation and twenty  
2 percent of income surtax.

3 Sec. 21. NEW SECTION. 257.21 COMPUTATION OF  
4 INSTRUCTIONAL SUPPORT AMOUNT.

5 If an instructional support income surtax is used  
6 in combination with the instructional support property  
7 tax, the department of management shall establish the  
8 amount of instructional support property tax to be  
9 levied and the amount of instructional support income  
10 surtax to be imposed for each school year for which  
11 the instructional support amount is authorized. The  
12 department of management shall determine these amounts  
13 based upon the most recent figures available for the  
14 district's valuation of taxable property, individual  
15 state income tax, state corporate income tax, and the  
16 state franchise tax paid, and budget enrollment in the  
17 district, and shall certify to the district's county  
18 auditor the amount of instructional support property  
19 tax, and to the director of revenue and finance the  
20 amount of instructional support income surtax to be  
21 imposed if an income surtax is used.

22 The instructional support income surtax shall be  
23 imposed on the state individual income tax, the state  
24 corporate income tax, and the state franchise tax for  
25 the calendar year during which the school's budget  
26 year begins, or for a taxpayer's fiscal year ending  
27 during the second half of that calendar year or the  
28 first half of the succeeding calendar year, and shall  
29 be imposed on the last day of the applicable tax year  
30 on all individuals residing in the school district, on  
31 all corporations whose main office is located within  
32 the district, and on all financial institutions with  
33 an office located within the district. As used in  
34 this section, "state individual income tax" means the  
35 tax computed under section 422.5, less the deductions  
36 allowed in sections 422.10, 422.11 and 422.12, "state  
37 corporate income tax" means the tax computed under  
38 section 422.33, and "state franchise tax" means the  
39 tax computed under section 422.63. However, if the  
40 resident has a child that under open enrollment is  
41 attending school in another district and that district  
42 has imposed an income surtax, and the resident's child  
43 does not meet the economic eligibility requirements  
44 under the federal National School Lunch and Child  
45 Nutrition Acts, 42 U.S.C. § 1751-1785, for free or  
46 reduced price lunches, the resident is liable for the  
47 income surtax imposed by the other school district and  
48 all surtax paid shall be credited to the account of  
49 that district. The resident shall receive a credit  
50 for the income surtax paid in the other school

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1 district for the income surtax imposed in the  
2 resident's school district. The amount of excess  
3 credit is not refundable.

4 Sec. 22. NEW SECTION. 257.22 STATUTES  
5 APPLICABLE.

6 The director of revenue and finance shall  
7 administer the instructional support income surtax  
8 imposed under this chapter, and sections 422.20,  
9 422.22 to 422.41, 422.60 to 422.63, 422.68, and 422.72  
10 to 422.75 shall apply in respect to administration of  
11 the instructional support income surtax.

12 Sec. 23. NEW SECTION. 257.23 FORM AND TIME OF  
13 RETURN.

14 The instructional support income surtax shall be  
15 made a part of the Iowa individual income tax,  
16 corporate income tax, and franchise tax returns  
17 subject to the conditions and restrictions set forth  
18 in section 422.21.

19 Sec. 24. NEW SECTION. 257.24 DEPOSIT OF  
20 INSTRUCTIONAL SUPPORT INCOME SURTAX.

21 The director of revenue and finance shall deposit  
22 all moneys received as instructional support income  
23 surtax to the credit of each district from which the  
24 moneys are received, in an "instructional support  
25 income surtax fund" which is established in the office  
26 of the treasurer of state.

27 The director of revenue and finance shall deposit  
28 all instructional support income surtax moneys  
29 received on or before November 1 of the year following  
30 the close of the school budget year for which the  
31 surtax is imposed to the credit of each district from  
32 which the moneys are received in the instructional  
33 support income surtax fund. All instructional support  
34 income surtax moneys received or refunded after  
35 November 1 of the year following the close of the  
36 school budget year for which the surtax is imposed  
37 shall be deposited in or withdrawn from the general  
38 fund of the state and shall be considered part of the  
39 cost of administering the instructional support income  
40 surtax.

41 Sec. 25. NEW SECTION. 257.25 INSTRUCTIONAL  
42 SUPPORT INCOME SURTAX CERTIFICATION.

43 On or before October 20 each year, the director of  
44 revenue and finance shall make an accounting of the  
45 instructional support income surtax collected under  
46 this chapter applicable to tax returns for the last  
47 preceding calendar year, or for fiscal year taxpayers,  
48 on the last day of their tax year ending during that  
49 calendar year and after the date of the election  
50 approving the surtax, from taxpayers in each school

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1 district in the state which has approved the  
2 instructional support program, and which is using an  
3 instructional support income surtax in combination  
4 with an instructional support property tax. The  
5 director of the department of revenue and finance  
6 shall certify to the department of management and the  
7 department of education the amount of instructional  
8 support income surtax credited from the taxpayers of  
9 each applicable school district. Additional returns  
10 in process, if any, at the time of certification shall  
11 be completed and the additional amount of  
12 instructional support income surtax reported to the  
13 department of management for distribution back to the  
14 school district with the first installment of the  
15 following school year.

16 **Sec. 26. NEW SECTION. 257.26 INSTRUCTIONAL**  
17 **SUPPORT INCOME SURTAX DISTRIBUTION.**

18 The director of revenue and finance shall draw  
19 warrants in payment of the amount of surtax payable to  
20 each of the school districts using the instructional  
21 support income surtax in two installments to be paid  
22 on approximately the first day of December and the  
23 first day of February, and shall cause the warrants to  
24 be delivered to the respective school districts.

25 **Sec. 27. NEW SECTION. 257.27 CONTINUATION OF**  
26 **INSTRUCTIONAL SUPPORT PROGRAM.**

27 At the expiration of the five-year period for which  
28 the approval at the election was given, the board may  
29 reestablish its participation in the program in the  
30 manner provided for initial approval.

31 **Sec. 28. NEW SECTION. 257.28 SCHOOL BUDGET**  
32 **REVIEW COMMITTEE.**

33 A school budget review committee is established in  
34 the department of education and consists of the  
35 director of the department of education, the director  
36 of the department of management, and three members  
37 appointed by the governor to represent the public and  
38 to serve three-year staggered terms beginning and  
39 ending as provided in section 69.19. The three  
40 members appointed by the governor are subject to  
41 senate confirmation as provided in section 2.32. The  
42 committee shall meet and hold hearings each year and  
43 shall continue in session until it has reviewed  
44 budgets of school districts, as provided in section  
45 257.29. It may call in school board members and  
46 employees as necessary for the hearings. Members of  
47 the general assembly shall be notified of hearings  
48 concerning school districts in their constituencies.

49 The committee shall adopt its own rules of  
50 procedure under chapter 17A. The director of the

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1 department of education shall serve as chairperson,  
2 and the director of the department of management shall  
3 serve as secretary. The committee members  
4 representing the public are entitled to receive their  
5 necessary expenses while engaged in their official  
6 duties. Members may also be eligible to receive  
7 compensation as provided in section 7E.6. Expense  
8 payments shall be made from appropriations to the  
9 department of education.

10 Sec. 29. NEW SECTION. 257.29 DUTIES OF THE  
11 COMMITTEE.

12 1. The school budget review committee may  
13 recommend the revision of any rules, regulations,  
14 directives, or forms relating to school district  
15 budgeting and accounting, confer with local school  
16 boards or their representatives and make  
17 recommendations relating to any budgeting or  
18 accounting matters, and direct the director of the  
19 department of education or the director of the  
20 department of management to make studies and  
21 investigations of school costs in any school district.

22 2. The committee shall report to each session of  
23 the general assembly, which report shall include any  
24 recommended changes in laws relating to school  
25 districts, and shall specify the number of hearings  
26 held annually, the reasons for the committee's  
27 recommendations, information about the amounts of  
28 property tax levied by school districts for a cash  
29 reserve, and other information the committee deems  
30 advisable.

31 3. The committee shall review the proposed budget  
32 and certified budget of each school district, and may  
33 make recommendations. The committee may make  
34 decisions affecting budgets to the extent provided in  
35 this chapter. The costs and computations referred to  
36 in this section relate to the budget year unless  
37 otherwise expressly stated.

38 4. Not later than January 1, 1992, the committee  
39 shall adopt recommendations relating to the  
40 implementation by school districts and area education  
41 agencies of procedures pertaining to the preparation  
42 of financial reports in conformity with generally  
43 accepted accounting principles and submit those  
44 recommendations to the state board of education. The  
45 state board shall consider the recommendations and  
46 adopt rules under section 256.7 specifying procedures  
47 and requiring the school districts and area education  
48 agencies to conform to generally accepted accounting  
49 principles commencing with the school year beginning  
50 July 1, 1996.

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- 1 5. If a district has unusual circumstances,  
2 creating an unusual need for additional funds,  
3 including but not limited to the following  
4 circumstances, the committee may grant supplemental  
5 aid to the district from any funds appropriated to the  
6 department of education for the use of the school  
7 budget review committee for this purpose, and such aid  
8 shall be miscellaneous income and shall not be  
9 included in district cost or may establish a modified  
10 allowable growth for the district by increasing its  
11 allowable growth; or both:
- 12 a. Any unusual increase or decrease in enrollment.
  - 13 b. Unusual natural disasters.
  - 14 c. Unusual initial staffing problems.
  - 15 d. The closing of a nonpublic school, wholly or in  
16 part.
  - 17 e. Substantial reduction in miscellaneous income  
18 due to circumstances beyond the control of the  
19 district.
  - 20 f. Unusual necessity for additional funds to  
21 permit continuance of a course or program which  
22 provides substantial benefit to pupils.
  - 23 g. Unusual need for a new course or program which  
24 will provide substantial benefit to pupils, if the  
25 district establishes such need and the amount of  
26 necessary increased cost.
  - 27 h. Unusual need for additional funds for special  
28 education or compensatory education programs.
  - 29 i. Year-round or substantially year-round  
30 attendance programs which apply toward graduation  
31 requirements, including but not limited to trimester  
32 or four-quarter programs. Enrollment in such programs  
33 shall be adjusted to reflect equivalency to normal  
34 school year attendance.
  - 35 j. Unusual need to continue providing a program or  
36 other special assistance to non-English-speaking  
37 pupils after the expiration of the three-year period  
38 specified in section 280.4.
  - 39 k. Any unique problems of districts.
- 40 6. For each of the budget years beginning July 1,  
41 1991, July 1, 1992, July 1, 1993, and July 1, 1994,  
42 the committee may establish a modified allowable  
43 growth for those school districts that used an in-  
44 crease in allowable growth for the budget year  
45 beginning July 1, 1989, for funding gifted and  
46 talented children programs under section 442.35, Code  
47 1989, and will receive less funding by the addition to  
48 district cost per pupil for programs for gifted and  
49 talented pupils under section 257.10. The amount of  
50 additional allowable growth granted by the committee

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1 shall not exceed the difference between the amount of  
2 revenues received from the additional allowable growth  
3 for the budget year beginning July 1, 1989, and the  
4 funds that will be generated for the district for  
5 programs for gifted and talented pupils under section  
6 257.10 for that budget year. The additional allowable  
7 growth granted by the committee for each of the budget  
8 years beginning July 1, 1991, July 1, 1992, and July  
9 1, 1993, is temporary and the additional allowable  
10 growth granted for the budget year beginning July 1,  
11 1994, is permanent.

12 7. The committee shall establish a modified  
13 allowable growth for a district by increasing its  
14 allowable growth when the district submits evidence  
15 that it requires additional funding for removal,  
16 management, or abatement of environmental hazards due  
17 to a state or federal requirement. Environmental  
18 hazards shall include but are not limited to the  
19 presence of asbestos, radon, or the presence of any  
20 other hazardous material dangerous to health and  
21 safety.

22 The district shall include a budget for the actual  
23 cost of the project that may include the costs of  
24 inspection, reinspection, sampling, analysis,  
25 assessment, response actions, operations and  
26 maintenance, training, periodic surveillance,  
27 developing of management plans, recordkeeping  
28 requirements, and encapsulation or removal of the  
29 hazardous material.

30 8. At the request of a school district, the  
31 committee may establish a modified allowable growth  
32 for that district by increasing its allowable growth  
33 on a permanent basis when the district cost per pupil  
34 of the district is lower than the state cost per pupil  
35 and the school district presents evidence that the  
36 educational program of the school district is  
37 adversely affected by the lower authorized  
38 expenditures. For the first budget year after the  
39 request is granted, the committee may grant additional  
40 allowable growth in an amount that shall increase  
41 district cost per pupil by one-third of the difference  
42 between the district cost per pupil and the state cost  
43 per pupil. For the second budget year, the committee  
44 may grant additional allowable growth in an amount  
45 that will increase district cost per pupil by one-half  
46 of the remaining difference. For the third budget  
47 year the committee may grant additional allowable  
48 growth so that district cost per pupil equals state  
49 cost per pupil. The committee shall not grant  
50 additional allowable growth in excess of the funding

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1 required for the district cost per pupil to equal the  
2 state cost per pupil.

3 9. Commencing July 1, 1993, the committee may  
4 grant supplemental aid to a school district from funds  
5 appropriated in this subsection for the purpose of  
6 reimbursing school districts for additional costs that  
7 are incurred when a district sends its resident pupils  
8 to another school district or to an area school for  
9 classes either under a whole grade sharing agreement  
10 or for individual pupils, when a district jointly  
11 employs and shares teachers or administrators under  
12 section 280.15, or when a district uses the services  
13 of a teacher employed by another school district.  
14 Additional costs incurred may include, but are not  
15 limited to, transportation costs, additional  
16 instructional costs, and additional personnel costs.

17 There is appropriated from the general fund of the  
18 state to the department of education for the use of  
19 the school budget review committee, an amount  
20 necessary to reimburse school districts for the  
21 additional costs of sharing approved by the school  
22 budget review committee. The sharing costs per pupil  
23 shall not exceed an amount based upon the supplemental  
24 weighting provided in section 257.11 for the budget  
25 year beginning July 1, 1991.

26 10. The committee may grant transportation  
27 assistance aid to a school district from funds  
28 appropriated in this subsection for the purpose of  
29 providing additional funds for a budget year to school  
30 districts that have costs for mandatory school  
31 transportation based upon the cost per pupil  
32 transported that exceed one hundred ten percent of the  
33 state average cost of mandatory school transportation  
34 based upon the cost per pupil transported for that  
35 year. School districts shall submit to the department  
36 of education the cost of providing mandatory school  
37 transportation in their transportation report filed by  
38 July 15 after each school year. The committee shall  
39 prioritize the requests of school districts, ranking  
40 districts first by their mandatory transportation  
41 costs per pupil transported and then giving  
42 consideration to the geographic size of the district,  
43 and shall, within the limits of the funds appropriated  
44 in this subsection, pay transportation assistance to  
45 those districts ranked in the highest priority based  
46 upon the criteria listed in this subsection. The  
47 committee shall adopt rules under chapter 17A  
48 establishing a procedure for prioritizing requests.  
49 Transportation assistance payments are equal to the  
50 amount that each district's cost of mandatory

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1 transportation based upon the cost per pupil  
2 transported exceeds one hundred ten percent of the  
3 state average cost of transportation based upon the  
4 cost per pupil transported multiplied by the  
5 district's basic enrollment for the budget year.  
6 Payment for a school year shall be made by September 1  
7 after each school year.

8 School districts shall also submit in their  
9 transportation report long-term plans to reduce their  
10 transportation costs. The long-term plans may  
11 include, but are not limited to, more efficient use of  
12 transportation resources, consolidation of  
13 transportation systems, or contracting with regional  
14 municipal or private transit systems. The school  
15 budget review committee shall review the long-range  
16 plans and make recommendations concerning reducing  
17 transportation costs to the school districts.

18 There is appropriated from the general fund of the  
19 state to the department of education for the use of  
20 the school budget review committee, for each fiscal  
21 year, the amount of three million five hundred  
22 thousand dollars, or as much thereof as may be  
23 necessary, to pay the transportation assistance to  
24 school districts ranked in the highest priority under  
25 this subsection.

26 11. The committee may authorize a district to  
27 spend a reasonable and specified amount from its  
28 unexpended cash balance for either of the following  
29 purposes:

30 a. Furnishing, equipping, and contributing to the  
31 construction of a new building or structure for which  
32 the voters of the district have approved a bond issue  
33 as provided by law or the tax levy provided in section  
34 298.2.

35 b. The costs associated with the demolition of an  
36 unused school building, or the conversion of an unused  
37 school building for community use, in a school  
38 district involved in a dissolution or reorganization  
39 under chapter 275, if the costs are incurred within  
40 three years of the dissolution or reorganization.

41 Other expenditures, including but not limited to  
42 expenditures for salaries or recurring costs, are not  
43 authorized under this subsection. Expenditures  
44 authorized under this subsection shall not be included  
45 in allowable growth or district cost, and the portion  
46 of the unexpended cash balance which is authorized to  
47 be spent shall be regarded as if it were miscellaneous  
48 income. Any part of the amount not actually spent for  
49 the authorized purpose shall revert to its former  
50 status as part of the unexpended cash balance.

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1 12. The committee may approve or modify the  
2 initial base year district cost of any district which  
3 changes accounting procedures.

4 13. When the committee makes a decision under  
5 subsections 3 through 12, it shall make all necessary  
6 changes in the district cost, budget, and tax levy.  
7 It shall give written notice of its decision,  
8 including all such changes, to the school board  
9 through the department of education.

10 14. All decisions by the committee under this  
11 chapter shall be made in accordance with reasonable  
12 and uniform policies which shall be consistent with  
13 this chapter. All such policies of general  
14 application shall be stated in rules adopted in  
15 accordance with chapter 17A. The committee shall take  
16 into account the intent of this chapter to equalize  
17 educational opportunity, to provide a good education  
18 for all the children of Iowa, to provide property tax  
19 relief, to decrease the percentage of school costs  
20 paid from property taxes, and to provide reasonable  
21 control of school costs. The committee shall also  
22 take into account the amount of funds available.

23 15. Failure by any school district to provide  
24 information or appear before the committee as  
25 requested for the accomplishment of review or hearing  
26 is justification for the committee to instruct the  
27 director of the department of management to withhold  
28 any state aid to that district until the committee's  
29 inquiries are satisfied completely.

30 16. The committee shall review the recommendations  
31 of the director of the department of education  
32 relating to the special education weighting plan, and  
33 shall establish a weighting plan for each school year  
34 pursuant to section 281.9, and report the plan to the  
35 director of the department of education.

36 17. The committee may recommend that two or more  
37 school districts jointly employ and share the services  
38 of any school personnel, or acquire and share the use  
39 of classrooms, laboratories, equipment, and facilities  
40 as specified in section 280.15.

41 18. As soon as possible following June 30 of the  
42 base year, the school budget review committee shall  
43 determine for each school district the balance of  
44 funds, whether positive or negative, raised for  
45 special education instruction programs under the  
46 special education weighting plan established in  
47 section 281.9. The committee shall certify the  
48 balance of funds for each school district to the  
49 director of the department of management.

50 In determining the balance of funds of a school

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1 district under this subsection, the committee shall  
2 subtract the amount of any reduction in state aid that  
3 occurred as a result of a reduction in allotments made  
4 by the governor under section 8.31.

5 a. If the amount certified for a school district  
6 to the director of the department of management under  
7 this subsection for the base year is positive, the  
8 director of the department of management shall  
9 subtract the amount of the positive balance from the  
10 amount of state aid remaining to be paid to the  
11 district during the budget year. If the positive  
12 amount exceeds the amount of state aid that remains to  
13 be paid to the district, the school district shall pay  
14 the excess on a quarterly basis prior to June 30 of  
15 the budget year to the director of the department of  
16 management from other funds received by the district.  
17 The director of the department of management shall  
18 determine the amount of the positive balance that came  
19 from local property tax revenues and shall increase  
20 the district's total state school aids available under  
21 this chapter for the next following budget year by the  
22 amount so determined and shall reduce the district's  
23 tax levy computed under section 257.4 for the next  
24 following budget year by the amount necessary to  
25 compensate for the increased state aid.

26 b. If the amount certified for a school district  
27 to the director of the department of management under  
28 this subsection for the base year is negative, the  
29 director of the department of management shall  
30 determine the amount of the deficit that would have  
31 been state aid and the amount that would have been  
32 property taxes for each eligible school district.

33 There is appropriated from the general fund of the  
34 state to the school budget review committee for each  
35 fiscal year an amount equal to the state aid portion  
36 of five percent of the receipts for special education  
37 instruction programs in all districts that had a  
38 positive balance determined under paragraph "a" for  
39 the base year, or the state aid portion of all of the  
40 positive balances determined under paragraph "a" for  
41 the base year, whichever is less, to be used for  
42 supplemental aid payments to school districts. Except  
43 as otherwise provided in this lettered paragraph,  
44 supplemental aid paid to a district is equal to the  
45 state aid portion of the district's negative balance.  
46 The school budget review committee shall direct the  
47 director of the department of management to make the  
48 payments to school districts under this lettered  
49 paragraph.

50 A school district is only eligible to receive

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1 supplemental aid payments during the budget year if  
2 the school district certifies to the school budget  
3 review committee that for the year following the  
4 budget year it will notify the school budget review  
5 committee to instruct the director of the department  
6 of management to increase the district's allowable  
7 growth and will fund the allowable growth increase  
8 either by using moneys from its unexpended cash  
9 balance to reduce the district's property tax levy or  
10 by using cash reserve moneys to equal the amount of  
11 the deficit that would have been property taxes and  
12 any part of the state aid portion of the deficit not  
13 received as supplemental aid. The director of the  
14 department of management shall make the necessary  
15 adjustments to the school district's budget to provide  
16 the additional allowable growth and shall make the  
17 supplemental aid payments.

18 If the amount appropriated under this lettered  
19 paragraph is insufficient to make the supplemental aid  
20 payments, the director of the department of management  
21 shall prorate the payments on the basis of the amount  
22 appropriated.

23 19. Annually the school budget review committee  
24 shall review the amount of property tax levied by each  
25 school district for the cash reserve authorized in  
26 section 298.10. If in the committee's judgment, the  
27 amount of a district's cash reserve levy is  
28 unreasonably high, the committee shall instruct the  
29 director of the department of management to reduce  
30 that district's tax levy computed under section 257.4  
31 for the following budget year by the amount the cash  
32 reserve levy is deemed excessive. A reduction in a  
33 district's property tax levy for a budget year under  
34 this subsection does not affect the district's  
35 authorized budget.

36 20. The committee shall perform the duties  
37 assigned to it under chapter 273 and 286A.

38 **Sec. 30. NEW SECTION. 257.30 PRIOR ENRICHMENT**  
39 **APPROVAL.**

40 If the electors of a school district approved the  
41 use of the additional enrichment amount prior to July  
42 1, 1991, under chapter 442, Code 1989, or section  
43 279.43, Code 1989, the approval for use of the  
44 enrichment amount shall continue in effect until the  
45 expiration of the period for which it was approved.

46 **Sec. 31. NEW SECTION. 257.31 CASH RESERVE**  
47 **INFORMATION.**

48 If a school district receives less state school  
49 foundation aid under section 257.1 than is due under  
50 that section for a base year and the school district

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1 uses funds from its cash reserve during the base year  
2 to make up for the amount of state aid not paid, the  
3 board of directors of the school district shall  
4 include in its general fund budget document  
5 information about the amount of the cash reserve used  
6 to replace state school foundation aid not paid.  
7 Sec. 32. NEW SECTION. 257.32 AREA EDUCATION  
8 AGENCY PAYMENTS.

9 The department of management shall deduct the  
10 amounts calculated for special education support  
11 services, media services, and educational services for  
12 each school district from the state aid due to the  
13 district pursuant to this chapter and shall pay the  
14 amounts to the respective area education agencies on a  
15 monthly basis from September 15 through June 15 during  
16 each school year. The department of management shall  
17 notify each school district of the amount of state aid  
18 deducted for these purposes and the balance of state  
19 aid shall be paid to the district. If a district does  
20 not qualify for state aid under this chapter in an  
21 amount sufficient to cover its amount due to the area  
22 education agency as calculated by the department of  
23 management, the school district shall pay the  
24 deficiency to the area education agency from other  
25 moneys received by the district, on a quarterly basis  
26 during each school year.

27 Sec. 33. NEW SECTION. 257.33 SPECIAL EDUCATION  
28 SUPPORT SERVICES BALANCES.

29 Notwithstanding chapters 273 and 281 and sections  
30 of this chapter relating to the moneys available to  
31 area education agencies for special education support  
32 services, for each school year, the department of  
33 education may direct the department of management to  
34 deduct amounts from the portions of school district  
35 budgets that fund special education support services  
36 in an area education agency. The total amount  
37 deducted in an area shall be based upon excess special  
38 education support services unreserved and undesignated  
39 fund balances in that area education agency for a  
40 school year. The department of management shall  
41 determine the amount deducted from each school  
42 district in an area education agency on a proportional  
43 basis. The department of management shall determine  
44 from the amounts deducted from the portions of school  
45 district budgets that fund area education agency  
46 special education support services the amount that  
47 would have been local property taxes and the amount  
48 that would have been state aid and for the next  
49 following budget year shall increase the district's  
50 total state school aid available under this chapter

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1 for area education agency special education support  
2 services and reduce the district's property tax levy  
3 for area education agency special education support  
4 services by the amount necessary for the property tax  
5 portion of the deductions made under this section  
6 during the budget year.

7 The amount deducted from a school district's budget  
8 shall not affect the calculation of the state cost per  
9 pupil or its district cost per pupil in that school  
10 year or a subsequent year.

11 Sec. 34. NEW SECTION. 257.34 FUNDING MEDIA AND  
12 EDUCATIONAL SERVICES.

13 Media services and educational services provided  
14 through the area education agencies shall be funded,  
15 to the extent provided, by an addition to the district  
16 cost of each school district, determined as follows:

17 1. The total amount funded in each area for media  
18 services in the budget year is equal to nine-tenths  
19 percent of the state cost per pupil for the budget  
20 year multiplied by the enrollment served in the area  
21 for the budget year. Thirty percent of the budget of  
22 an area for media services shall be expended for media  
23 resource material which shall only be used for the  
24 purchase or replacement of material required in  
25 section 273.6, subsection 1, paragraphs "a", "b", and  
26 "c". Funds shall be paid to area education agencies  
27 as provided in section 257.32. The costs shall be  
28 allocated to school districts in the area based upon  
29 the proportion of the enrollment served that resides  
30 in the district.

31 2. The total amount funded in each area for  
32 educational services in the budget year is equal to  
33 one percent of the state cost per pupil for the budget  
34 year multiplied by the enrollment served in the area  
35 for the budget year. Funds shall be paid to area  
36 education agencies as provided in section 257.32. The  
37 costs shall be allocated to school districts in the  
38 area based upon the proportion of the enrollment  
39 served that resides in the district.

40 3. "Enrollment served" means the basic enrollment  
41 plus the number of nonpublic school pupils served with  
42 media services or educational services, as applicable,  
43 except that if a nonpublic school pupil receives  
44 services through an area other than the area of the  
45 pupil's residence, the pupil shall be deemed to be  
46 served by the area of the pupil's residence, which  
47 shall by contractual arrangement reimburse the area  
48 through which the pupil actually receives services.  
49 Each school district shall include in the third Friday  
50 in September enrollment report the number of nonpublic

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1 school pupils within each school district for media  
2 and educational services served by the area.  
3 4. If an area education agency does not serve  
4 nonpublic school pupils in a manner comparable to  
5 services provided public school pupils for media and  
6 educational services, as determined by the state board  
7 of education, the state board shall instruct the  
8 department of management to reduce the funds for media  
9 services and educational services one time by an  
10 amount to compensate for such reduced services. The  
11 media services budget shall be reduced by an amount  
12 equal to the product of the cost per pupil in basic  
13 enrollment for the budget year for media services  
14 times the difference between the enrollment served and  
15 the basic enrollment recorded for the area. The  
16 educational services budget shall be reduced by an  
17 amount equal to the product of the cost per pupil in  
18 basic enrollment for the budget year for educational  
19 services times the difference between the enrollment  
20 served and the basic enrollment recorded for the area.

21 This subsection applies only to media and  
22 educational services which cannot be diverted for  
23 religious purposes.

24 Notwithstanding this subsection, an area education  
25 agency shall distribute to nonpublic schools media  
26 materials purchased wholly or partially with federal  
27 funds in a manner comparable to the distribution of  
28 such media materials to public schools as determined  
29 by the director of the department of education.

30 **Sec. 35. NEW SECTION. 257.35 PROGRAMS FOR**  
31 **RETURNING DROPOUTS AND DROPOUT PREVENTION.**

32 Boards of school districts, individually or jointly  
33 with boards of other school districts, requesting to  
34 use additional allowable growth for programs for  
35 returning dropouts and dropout prevention, shall  
36 annually submit comprehensive program plans for the  
37 programs and budget costs, including requests for  
38 additional allowable growth for funding the programs,  
39 to the department of education as provided in this  
40 chapter. The program plans shall include:

- 41 1. Program goals, objectives, and activities to  
42 meet the needs of children who may drop out of school.
- 43 2. Student identification criteria and procedures.
- 44 3. Staff in-service education design.
- 45 4. Staff utilization plans.
- 46 5. Evaluation criteria and procedures and  
47 performance measures.
- 48 6. Program budget.
- 49 7. Qualifications required of personnel  
50 administering the program.

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1 8. A provision for dropout prevention and  
2 integration of dropouts into the educational program  
3 of the district.

4 9. A provision for identifying dropouts.

5 10. A program for returning dropouts.

6 11. Other factors the department requires.

7 Program plans shall identify the parts of the plan  
8 that will be implemented first upon approval of the  
9 application. If a district is requesting to use  
10 additional allowable growth to finance the program, it  
11 shall not identify more than five percent of its  
12 budget enrollment for the budget year as returning  
13 dropouts and potential dropouts.

14 Sec. 36. NEW SECTION. 257.36 DEFINITIONS.

15 As used in this chapter:

16 1. "Returning dropouts" are resident pupils who  
17 have been enrolled in a public or nonpublic school in  
18 any of grades seven through twelve who withdrew from  
19 school for a reason other than transfer to another  
20 school or school district and who subsequently  
21 enrolled in a public school in the district.

22 2. "Potential dropouts" are resident pupils who  
23 are enrolled in a public or nonpublic school who  
24 demonstrate poor school adjustment as indicated by two  
25 or more of the following:

26 a. High rate of absenteeism, truancy, or frequent  
27 tardiness.

28 b. Limited or no extracurricular participation or  
29 lack of identification with school, including but not  
30 limited to, expressed feelings of not belonging.

31 c. Poor grades, including but not limited to,  
32 failing in one or more school subjects or grade  
33 levels.

34 d. Low achievement scores in reading or  
35 mathematics which reflect achievement at two years or  
36 more below grade level.

37 e. Children in grades kindergarten through three  
38 who meet the definition of at-risk children adopted by  
39 the department of education.

40 Sec. 37. NEW SECTION. 257.37 PLANS FOR RETURNING  
41 DROPOUTS AND DROPOUT PREVENTION.

42 The board of directors of a school district  
43 requesting to use additional allowable growth for  
44 programs for returning dropouts and dropout prevention  
45 shall submit applications for approval for the  
46 programs to the department not later than November 1  
47 preceding the budget year during which the program  
48 will be offered. The department shall review the  
49 program plans and shall prior to January 15 either  
50 grant approval for the program or return the request

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1 for approval with comments of the department included.  
2 An unapproved request for a program may be resubmitted  
3 with modifications to the department not later than  
4 February 1. Not later than February 15, the  
5 department shall notify the department of management  
6 and the school budget review committee of the names of  
7 the school districts for which programs using  
8 additional allowable growth for funding have been  
9 approved and the approved budget of each program  
10 listed separately for each school district having an  
11 approved program.

12 Sec. 38. NEW SECTION. 257.38 FUNDING FOR  
13 PROGRAMS FOR RETURNING DROPOUTS AND DROPOUT  
14 PREVENTION.

15 The budget of an approved program for returning  
16 dropouts and dropout prevention for a school district,  
17 after subtracting funds received from other sources  
18 for that purpose, shall be funded annually on a basis  
19 of one-fourth or more from the district cost of the  
20 school district and up to three-fourths by an increase  
21 in allowable growth as defined in section 257.8.  
22 Annually, the department of management shall establish  
23 a modified allowable growth for each such district  
24 equal to the difference between the approved budget  
25 for the program for returning dropouts and dropout  
26 prevention for that district and the sum of the amount  
27 funded from the district cost of the school district  
28 plus funds received from other sources.

29 Sec. 39. NEW SECTION. 257.39 FUNDS FOR NEW  
30 EDUCATIONAL STANDARDS.

31 In addition to the funding provided through the  
32 district cost of school districts, there is  
33 appropriated from the general fund of the state for  
34 each fiscal year to the department of education for  
35 allocation to school districts for the costs of  
36 implementing educational standards adopted by the  
37 state board of education under section 256.11, the sum  
38 of six million nine hundred thousand dollars, or so  
39 much thereof as is necessary, to be allocated to  
40 school districts based upon each school district's  
41 budget enrollment for the budget year. Moneys  
42 received by school districts under this section are  
43 miscellaneous income. Payments under this section  
44 shall be made in the manner provided in section  
45 257.16.

46 Sec. 40. SPECIAL EDUCATION WEIGHTS. For the  
47 budget years beginning July 1, 1991, July 1, 1992, and  
48 July 1, 1993, in making recommendations to the school  
49 budget review committee under section 281.9,  
50 subsection 4, the director of the department of

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1 education shall consider the changes in the value of  
2 the state cost per pupil established under section  
3 257.9 from the value of the state cost per pupil for  
4 the base year established under section 442.8, Code  
5 1989, and changes in the value of the district cost  
6 per pupil for school districts established in section  
7 257.10 from the value of the district cost per pupil  
8 for school districts established in section 442.9,  
9 Code 1989. Notwithstanding section 281.9, subsection  
10 4, for the budget years commencing July 1, 1990, July  
11 1, 1991, and July 1, 1992, the increase or decrease in  
12 the weighting assigned to each category of children  
13 requiring special education is not limited to two-  
14 tenths of the weighting assigned to pupils in a  
15 regular curriculum.

16 Sec. 41. Section 96.31, Code 1989, is amended to  
17 read as follows:

## 18 96.31 TAX FOR BENEFITS.

19 Political subdivisions may levy a tax outside their  
20 general fund levy limits to pay the cost of  
21 unemployment benefits. For school districts the cost  
22 of unemployment benefits shall be included in the  
23 district management levy pursuant to section 298.4.

24 Sec. 42. Section 111E.4, Code 1989, is amended to  
25 read as follows:

## 26 111E.4 PAYMENT IN LIEU OF PROPERTY TAXES.

27 As a part of the budget proposal submitted to the  
28 general assembly under section 455A.4, subsection 1,  
29 paragraph "c", the director of the department of  
30 natural resources shall submit a budget request to pay  
31 the property taxes for the next fiscal year on open  
32 space property acquired by the department which would  
33 otherwise be subject to the levy of property taxes.  
34 The assessed value of open space property acquired by  
35 the department shall be that determined under section  
36 427.1, subsection 31, and the director may protest the  
37 assessed value in the manner provided by law for any  
38 property owner to protest an assessment. For the  
39 purposes of chapter 442 257, the assessed value of the  
40 open space property acquired by the department shall  
41 be included in the valuation base of the school  
42 district and the payments made pursuant to this  
43 section shall be considered as property tax revenues  
44 and not as miscellaneous income. The county treasurer  
45 shall certify taxes due to the department. The taxes  
46 shall be paid annually from the departmental fund or  
47 account from which the open space property acquisition  
48 was funded. If the departmental fund or account has  
49 no moneys or no longer exists, the taxes shall be paid  
50 from funds as otherwise provided by the general

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1 assembly. If the total amount of taxes due certified  
2 to the department exceeds the amount appropriated, the  
3 taxes due shall be reduced proportionately so that the  
4 total amount equals the amount appropriated. This  
5 section applies to open space property acquired by the  
6 department on or after January 1, 1987.

7 Sec. 43. Section 256.21, unnumbered paragraph 4,  
8 Code 1989, is amended to read as follows:

9 A sabbatical grant to a teacher shall be equal to  
10 the costs to the school district of the teacher's  
11 regular compensation as defined in section 294A.2 plus  
12 the cost to the district of the fringe benefits of the  
13 teacher. The grant shall be paid to the school  
14 district, and the district shall continue to pay the  
15 teacher's regular compensation as well as the cost to  
16 the district of the substitute teacher. Teachers and  
17 boards of school districts are encouraged to seek  
18 funding from other sources to pay the costs of  
19 sabbaticals for teachers. Grant moneys are  
20 miscellaneous income for purposes of chapter 442 257.

21 Sec. 44. Section 256A.3, subsection 5, Code 1989,  
22 is amended by adding the following new unnumbered  
23 paragraph:

24 NEW UNNUMBERED PARAGRAPH. Program grants funded  
25 under this subsection may integrate children not  
26 meeting at-risk criteria into the program and shall  
27 establish a fee for participation in the program in  
28 the manner provided in section 279.49, but grant funds  
29 shall not be used to pay the costs for those children.

30 Sec. 45. Section 256A.3, Code 1989, is amended by  
31 adding the following new subsections:

32 NEW SUBSECTION. 9. Subject to a decision by the  
33 council to initiate the programs, develop criteria for  
34 and award grants under section 279.51, subsection 2.

35 NEW SUBSECTION. 10. Encourage the establishment  
36 of programs that will enhance the skills of parents in  
37 parenting and in providing for the learning and  
38 development of their children.

39 Sec. 46. NEW SECTION. 263.20 EDUCATION FINANCE  
40 INSTITUTE.

41 An education finance institute is established at  
42 the university of Iowa to provide the general  
43 assembly, the department of education, the department  
44 of management, and associations interested in  
45 education with information and research regarding the  
46 funding of school districts under the state school  
47 finance formula. The institute shall initiate  
48 research within the limits of the moneys available,  
49 review school finance research conducted in this state  
50 and in other states, compare school districts in Iowa

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1 with other school districts both in Iowa and in other  
2 states, review the operation of Iowa's school finance  
3 plan, and serve as a resource to the general assembly  
4 in actions relating to school finance. The research  
5 conducted by the institute shall be coordinated with  
6 the legislative fiscal bureau. The legislative fiscal  
7 bureau and the house and senate committees on  
8 education of the general assembly may make  
9 recommendations to the institute concerning research  
10 projects to be initiated and information to be  
11 gathered.

12 Research projects may include but are not limited  
13 to projects relating to equality of educational  
14 opportunity, equality of distribution of education  
15 funds, the relationship between school funding and  
16 school improvement, access of students to curriculum  
17 and programs, tax equity, and use of income factors in  
18 school funding.

19 The institute shall be interdisciplinary in focus,  
20 using research teams that may include members from  
21 other higher education institutions under the control  
22 of the state board of regents.

23 The institute shall be financed with moneys  
24 appropriated in this section and additional  
25 contributions from the university of Iowa. In  
26 addition, the university of Iowa shall seek grants and  
27 donations from public and private sources.

28 There is appropriated from the general fund of the  
29 state to the state board of regents for allocation to  
30 the education finance institute for each fiscal year  
31 an amount equal to thirty-two cents multiplied by the  
32 sum of the basic enrollments for the budget year of  
33 all school districts in the state, as basic enrollment  
34 is defined in section 257.6.

35 Sec. 47. Section 265.6, Code 1989, is amended to  
36 read as follows:

37 **265.6 STATE AID APPLICABLE.**

38 If the state board of regents has established a  
39 laboratory school, it shall receive state aid pursuant  
40 to chapters 257 and 281 and 442 for each pupil  
41 enrolled in the laboratory school in the same amount  
42 as the public school district in which the pupil  
43 resides would receive aid for that pupil and shall  
44 transmit the amount received to the institution of  
45 higher education at which the laboratory school has  
46 been established. If the board of a school district  
47 terminates a contract with the state board of regents  
48 for attendance of pupils in a laboratory school, the  
49 school district shall inform the ~~state comptroller~~  
50 department of management of the number of these pupils

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1 who are enrolled in the district on the ~~second~~ third  
2 Friday of the following September. The state  
3 ~~comptroller~~ department of management shall pay to the  
4 school district, from funds appropriated in section  
5 ~~442.26~~ 257.16, an amount equal to the amount of state  
6 aid paid for each pupil in that school district for  
7 that school year in payments made as provided in  
8 section ~~442.26~~ 257.16. However, payments shall not be  
9 made for pupils for which an advance is received by  
10 the district under section ~~442.28~~ 257.13.

11 Sec. 48. Section 273.3, subsections 2 and 12, Code  
12 1989, are amended to read as follows:

13 2. Be authorized to receive and expend money for  
14 providing programs and services as provided in  
15 sections 273.1 to 273.9, and chapters 257 and 281 and  
16 442. All costs incurred in providing the programs and  
17 services, including administrative costs, shall be  
18 paid from funds received pursuant to sections 273.1 to  
19 273.9 and chapters 257 and 281 and 442.

20 12. Prepare an annual budget estimating income and  
21 expenditures for programs and services as provided in  
22 sections 273.1 to 273.9 and chapter 281 within the  
23 limits of funds provided under section 281.9 and  
24 chapter 442 257. The board shall give notice of a  
25 public hearing on the proposed budget by publication  
26 in an official county newspaper in each county in the  
27 territory of the area education agency in which the  
28 principal place of business of a school district that  
29 is a part of the area education agency is located.  
30 The notice shall specify the date, which shall be not  
31 later than ~~November 10~~ February 1 of each year, the  
32 time, and the location of the public hearing. The  
33 proposed budget as approved by the board shall then be  
34 submitted to the state board of education, on forms  
35 provided by the department, no later than ~~December 1~~  
36 February 15 preceding the next fiscal year for  
37 approval. The state board shall review the proposed  
38 budget of each area education agency and shall prior  
39 to January before March 1, either grant approval or  
40 return the budget without approval with comments of  
41 the state board included. ~~Any~~ An unapproved budget  
42 shall be resubmitted to the state board for final  
43 approval.

44 Sec. 49. Section 273.5, subsection 6, Code 1989,  
45 is amended to read as follows:

46 6. Submit to the department of education special  
47 education instructional and support program plans and  
48 applications, subject to criteria listed in chapter  
49 281 and this chapter, for approval by ~~November 1~~  
50 February 15 of each year for the school year

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1 commencing the following July 1.

2 Sec. 50. Section 273.9, Code 1989, is amended to  
3 read as follows:

4 273.9 FUNDING.

5 1. For the school year beginning July 1, 1975, and  
6 each succeeding school year, school districts shall  
7 pay for the programs and services provided through the  
8 area education agency and shall include expenditures  
9 for the programs and services in their budgets, in  
10 accordance with the provisions of this section.

11 2. School districts shall pay the costs of special  
12 education instructional programs with the moneys  
13 available to the districts for each child requiring  
14 special education, by application of the special  
15 education weighting plan in section 281.9. Special  
16 education instructional programs shall be provided at  
17 the local level if practicable, or otherwise by  
18 contractual arrangements with the area education  
19 agency board as provided in section 273.3, subsection  
20 5, but in each case the total money available through  
21 section 281.9 and chapter 442 257 because of weighted  
22 enrollment for each child requiring special education  
23 instruction shall be made available to the district or  
24 agency which provides the special education  
25 instructional program to the child, subject to  
26 adjustments for transportation or other costs which  
27 may be paid by the school district in which the child  
28 is enrolled. Each district shall co-operate with its  
29 area education agency to provide an appropriate  
30 special education instructional program for each child  
31 who requires special education instruction, as  
32 identified and counted within the certification by the  
33 area director of special education or as identified by  
34 the area director of special education subsequent to  
35 the certification, and shall not provide a special  
36 education instructional program to a child who has not  
37 been so identified and counted within the  
38 certification or identified subsequent to the  
39 certification.

40 3. The costs of special education support services  
41 provided through the area education agency shall be  
42 funded by an increase in the allowable growth of each  
43 school district, determined as provided in section  
44 442.7 chapter 257. Special education support services  
45 shall not be funded until the program plans submitted  
46 by the special education directors of each area  
47 education agency as required by section 273.5 are  
48 modified as necessary and approved by the director of  
49 the department of education according to the criteria  
50 and limitations of ~~chapter~~ chapters 257 and 281 and

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1 section 442.7.

2 4. The costs of media services provided through  
3 the area education agency shall be funded as provided  
4 in section ~~442.27~~ 257.34. Media services shall not be  
5 funded until the program plans submitted by the  
6 administrators of each area education agency as  
7 required by section 273.4 are modified as necessary  
8 and approved by the director of the department of  
9 education according to the criteria and limitations of  
10 section sections 257.34 and 273.6 and of section  
11 ~~442.27~~.

12 5. The costs of educational services provided  
13 through the area education agency shall be funded  
14 within the limitations in section ~~442.27~~ 257.34.

15 The state board of education shall adopt rules  
16 under chapter 17A relating to the approval of program  
17 plans under this section.

18 Sec. 51. Section 273.12, Code 1989, is amended to  
19 read as follows:

20 273.12 FUNDS — USE RESTRICTED.

21 Funds generated for educational services under the  
22 provisions of section ~~442.27~~ 257.34 and subject to  
23 approval under the provisions of section 273.9,  
24 subsection 5, shall not be expended by an area  
25 education agency for the purpose of assisting either a  
26 public employer or employee organization in collective  
27 bargaining negotiations under chapter 20 if the public  
28 employer is a school district, or the employee  
29 organization consists of employees of a school  
30 district, located within the boundaries of the area  
31 education agency.

32 Sec. 52. Section 273.13, Code 1989, is amended to  
33 read as follows:

34 273.13 ADMINISTRATIVE EXPENDITURES.

35 During the budget year beginning July 1, 1989, and  
36 the three succeeding budget years, the board of  
37 directors of an area education agency in which the  
38 administrative expenditures as a percent of the area  
39 education agency's operating fund for a base year  
40 exceed five percent shall reduce its administrative  
41 expenditures to five percent of the area education  
42 agency's operating fund. During each of the four  
43 years, the board of directors shall reduce  
44 administrative expenditures by twenty-five percent of  
45 the reduction in administrative expenditure required  
46 by this section. Thereafter, the administrative  
47 expenditures shall not exceed five percent of the  
48 operating fund. Annually, the board of directors  
49 shall certify to the department of education the  
50 amounts of the area education agency's expenditures

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1 and its operating fund. For the purposes of this  
2 section, "base year" and "budget year" mean the same  
3 as defined in section 442.6, Code 1989, and section  
4 257.2, and "administrative expenditures" means  
5 expenditures for executive administration.

6 Sec. 53. NEW SECTION. 273.14 AREA EDUCATION  
7 BUDGET REVIEW.

8 1. An area education agency budget review  
9 procedure is established for the school budget review  
10 committee created in section 257.28. The school  
11 budget review committee, in addition to its duties  
12 under chapter 257, shall meet and hold hearings each  
13 year under this chapter to review unusual  
14 circumstances of area education agencies, either upon  
15 the committee's motion or upon the request of an area  
16 education agency. The committee may grant  
17 supplemental aid to the area education agency from  
18 funds appropriated to the department of education for  
19 area school budget review purposes, or an amount may  
20 be added to the area education agency special  
21 education support services allowable growth for  
22 districts in an area or an additional amount may be  
23 added to district cost for media services or  
24 educational services for all districts in an area for  
25 the budget year either on a temporary or permanent  
26 basis, or both.

27 Unusual circumstances shall include but not be  
28 limited to the following:

29 a. An unusual increase or decrease in enrollment  
30 of children requiring special education.

31 b. Unusual need for additional moneys for media  
32 services.

33 c. Unusual need for additional moneys for  
34 educational services.

35 d. Unusual costs for building repair, building  
36 maintenance, or removal of environmental hazards.

37 e. Participation by the area education agency in  
38 telecommunications, electronic, and technological  
39 development with school districts, and related staff  
40 development programs.

41 2. When the school budget review committee makes a  
42 decision under subsection 1, it shall provide written  
43 notice of its decision, including all changes, to the  
44 board of directors of the area education agency, and  
45 to the department of management.

46 3. All decisions by the school budget review  
47 committee under this chapter shall be made in  
48 accordance with reasonable and uniform policies which  
49 shall be consistent with this chapter.

50 4. Failure by an area education agency to provide

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1 information or appear before the school budget review  
2 committee as requested for the accomplishment of  
3 review or hearing constitutes justification for the  
4 committee to instruct the department of revenue and  
5 finance to withhold payments to the area education  
6 agency until the committee's inquiries are satisfied  
7 completely.

8 Sec. 54. Section 274.37, unnumbered paragraph 2,  
9 Code 1987, is amended to read as follows:

10 The boards in the respective districts, the  
11 boundaries of which have been changed under this  
12 section, complete in all respects, except for the  
13 passage of time prior to the effective date of the  
14 change, and when all the right of appeal of the change  
15 has expired, may enter into joint contracts for the  
16 construction of buildings for the benefit of the  
17 corporations whose boundaries have been changed, using  
18 funds accumulated under ~~section 278.1, subsection 7~~  
19 the physical plant and equipment levy in section  
20 298.2. The district in which the building is to be  
21 located may use any funds authorized in accordance  
22 with chapter 75. ~~Nothing in this section shall be~~  
23 ~~construed to~~ This section does not permit the changed  
24 districts to expend any funds jointly which they are  
25 not entitled to expend acting individually.

26 Sec. 55. Section 275.12, subsection 5, Code 1989,  
27 is amended to read as follows:

28 5. The petition may also include a provision that  
29 ~~the schoolhouse tax voter-approved physical plant and~~  
30 ~~equipment levy provided in section 278.1, subsection 7~~  
31 298.2, will be voted upon at the election conducted  
32 under section 275.18.

33 Sec. 56. Section 275.14, Code 1989, is amended to  
34 read as follows:

35 275.14 OBJECTION — TIME OF FILING — NOTICE.

36 Within ten days after the petition is filed, the  
37 area education agency administrator shall fix a final  
38 date for filing objections to the petition which shall  
39 be not more than sixty days after the petition is  
40 filed and shall fix the date for a hearing on the  
41 objections to the petition. Objections shall be filed  
42 in the office of the administrator who shall give  
43 notice at least ten days prior to the final day for  
44 filing objections, by one publication in a newspaper  
45 published within the territory described in the  
46 petition, or if none is published ~~therein~~ in the  
47 territory, in a newspaper published in the county  
48 where the petition is filed, and of general  
49 circulation in the territory described. The notice  
50 shall also list the date, time, and location for the

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1 hearing on the petition as provided in section 275.15.  
2 The cost of publication shall be assessed to each  
3 district whose territory is involved in the ratio that  
4 the number of pupils in basic enrollment for the  
5 budget year, as defined in section 442.4 257.6 in each  
6 district bears to the total number of pupils in basic  
7 enrollment for the budget year in the total area  
8 involved. Objections shall be in writing in the form  
9 of an affidavit and may be made by any person residing  
10 or owning land within the territory described in the  
11 petition, or who would be injuriously affected by the  
12 change petitioned for and shall be on file not later  
13 than twelve o'clock noon of the final day fixed for  
14 filing objections.

15 Objection forms shall be prescribed by the  
16 department of education and may be obtained from the  
17 area education agency administrator. Objection forms  
18 that request that property be removed from a proposed  
19 district shall include the correct legal description  
20 of the property to be removed.

21 Sec. 57. Section 275.20, Code 1989, is amended to  
22 read as follows:

23 **275.20 SEPARATE VOTE IN EXISTING DISTRICTS.**

24 The voters shall vote separately in each existing  
25 school district affected and voters residing in the  
26 entire existing district are eligible to vote both  
27 upon the proposition to create a new school  
28 corporation and the proposition to levy the  
29 schoolhouse tax under section 278.1, subsection 7  
30 voter-approved physical plant and equipment levy under  
31 section 298.2, if the petition included a provision  
32 for a vote to authorize the levy the schoolhouse tax.  
33 If a proposition receives a majority of the votes cast  
34 in each of at least seventy-five percent of the  
35 districts, and also a majority of the total number of  
36 votes cast in all of the districts, the proposition is  
37 carried.

38 Sec. 58. Section 275.31, unnumbered paragraph 1,  
39 Code 1989, is amended to read as follows:

40 If necessary to equalize the division and  
41 distribution, the board or boards may provide for the  
42 levy of additional taxes, which shall be sufficient to  
43 satisfy the mandatory levy required in section 76.2 or  
44 other liabilities of the districts, upon the property  
45 of a corporation or part of a corporation and for the  
46 distribution of the tax revenues so as to effect  
47 equalization. When the board or boards are  
48 considering the equalization levy, the division and  
49 distribution shall not impair the security for  
50 outstanding obligations of each affected corporation.

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1 Any owner of bonds of an affected corporation may  
2 bring suit in equity for adjustment of the division  
3 and distribution in compliance with this section. If  
4 the property tax levy for the amount estimated and  
5 certified to apply on principal and interest on lawful  
6 bonded indebtedness for a newly formed community  
7 school district is greater than the property tax levy  
8 for the amount estimated and certified to apply on  
9 principal and interest in the year preceding the  
10 reorganization or dissolution for a school district  
11 that is a party to the reorganization or dissolution,  
12 and that had a certified enrollment of less than six  
13 hundred for the year prior to the reorganization or  
14 dissolution, and that approved the reorganization or  
15 dissolution prior to July 1, 1989, the board of the  
16 newly formed district shall inform the department of  
17 management. The department of management shall pay  
18 debt service aid to the newly formed district in an  
19 amount that will reduce the rate of the property tax  
20 levy for lawful bonded indebtedness in the portion of  
21 the newly formed district where the new rate is  
22 higher, to the rate that was levied in that portion of  
23 the district during the year preceding the  
24 reorganization or dissolution.

25 Sec. 59. Section 275.33, subsection 2, unnumbered  
26 paragraph 1, Code 1989, is amended to read as follows:

27 The collective bargaining agreement of the district  
28 with the largest basic enrollment, as defined in  
29 section ~~442.4~~ 257.6, in the new district shall serve  
30 as the base agreement and the employees of the other  
31 districts involved in the formation of the new  
32 district shall automatically be accreted to the  
33 bargaining unit of that collective bargaining  
34 agreement for purposes of negotiating the contracts  
35 for the following years without further action by the  
36 public employment relations board. If only one  
37 collective bargaining agreement is in effect among the  
38 districts which are party to the reorganization, then  
39 that agreement shall serve as the base agreement, and  
40 the employees of the other districts involved in the  
41 formation of the new district shall automatically be  
42 accreted to the bargaining unit of that collective  
43 bargaining agreement for purposes of negotiating the  
44 contracts for the following years without further  
45 action by the public employment relations board. The  
46 board of the newly formed district, using the base  
47 agreement as its existing contract, shall bargain with  
48 the combined employees of the existing districts for  
49 the school year beginning with the effective date of  
50 the reorganization. The bargaining shall be completed

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1 by March 15 prior to the school year in which the  
2 reorganization becomes effective or within one hundred  
3 eighty days after the organization of the new board,  
4 whichever is later. If a bargaining agreement was  
5 already concluded by the board and employees of the  
6 existing district with the contract serving as the  
7 base agreement for the school year beginning with the  
8 effective date of the reorganization, that agreement  
9 shall be void. However, if the base agreement  
10 contains multiyear provisions affecting school years  
11 subsequent to the effective date of the  
12 reorganization, the base agreement shall remain in  
13 effect as specified in the agreement.

14 Sec. 60. Section 275.55, unnumbered paragraph 4,  
15 Code 1989, is amended to read as follows:

16 The attachment is effective July 1 following its  
17 approval. If the dissolution proposal is for the  
18 dissolution of a school district with a certified  
19 enrollment of fewer than six hundred, the territory  
20 located in the school district that dissolved is  
21 eligible, if approved by the director of the  
22 department of education, for a reduction in the  
23 uniform foundation property tax levy under section  
24 ~~442.2~~ 257.3, subsection 1. If the director approves a  
25 reduction in the uniform foundation property tax levy  
26 as provided in this section, the director shall notify  
27 the director of the department of management of the  
28 reduction.

29 Sec. 61. Section 276.11, Code 1989, is amended by  
30 striking the section and inserting in lieu thereof the  
31 following:

32 276.11 FUNDING OF COMMUNITY EDUCATION.

33 The costs of community education shall be paid from  
34 moneys in the general fund of the school district.

35 Sec. 62. Section 277.2, Code 1989, is amended to  
36 read as follows:

37 277.2 SPECIAL ELECTION.

38 The board of directors in ~~any~~ a school corporation  
39 may call a special election at which ~~election~~ the  
40 voters shall have the powers exercised at the regular  
41 election with reference to the sale of school property  
42 and the application to be made of the proceeds, the  
43 authorization of seven members on the board of  
44 directors, the authorization to establish or change  
45 the boundaries of director districts, and the  
46 authorization of a ~~schoolhouse tax~~ voter-approved  
47 physical plant and equipment levy or indebtedness, as  
48 provided by law.

49 Sec. 63. Section 278.1, subsection 7, Code 1989,  
50 is amended by striking the subsection.

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1 Sec. 64. Section 278.1, unnumbered paragraph 4,  
2 Code 1989, is amended by striking the unnumbered  
3 paragraph.

4 Sec. 65. NEW SECTION. 279.8A STUDENT FEES.  
5 Students meeting the economic eligibility  
6 requirements established under the federal National  
7 School Lunch and Child Nutrition Acts, 42 U.S.C. §  
8 1751-1785, for free or reduced price lunches, shall  
9 not be required by the board of directors to pay fees  
10 imposed by the board for enrolling in the school  
11 district or for participation in extracurricular  
12 activities of the school district.

13 Sec. 66. Section 279.26, Code 1989, is amended to  
14 read as follows:

15 279.26 LEASE ARRANGEMENTS.

16 The board of directors of a local school district  
17 for which a schoolhouse tax voter-approved physical  
18 plant and equipment levy has been voted pursuant to  
19 section ~~278.1~~, subsection 7 298.2, may enter into a  
20 rental or lease arrangement, consistent with the  
21 purposes for which the schoolhouse tax voter-approved  
22 physical plant and equipment levy has been voted, for  
23 a period not exceeding ten years and not exceeding the  
24 period for which the schoolhouse tax voter-approved  
25 physical plant and equipment levy has been authorized  
26 by the voters.

27 Sec. 67. Section 279.45, Code 1989, is amended to  
28 read as follows:

29 279.45 ADMINISTRATIVE EXPENDITURES.

30 For the budget year beginning July 1, 1989, and  
31 each of the following three budget years, the board of  
32 directors of a school district in which the  
33 administrative expenditures as a percent of the school  
34 district's operating fund for a base year exceed five  
35 percent, shall reduce its administrative expenditures  
36 so that they are one-half percent less as a percent of  
37 the school district's operating fund than they were  
38 for the base year. However, a school district is not  
39 required to reduce its administrative expenditures  
40 below five percent of its operating fund. Thereafter,  
41 a school district shall not increase the percent of  
42 its administrative expenditures compared to its  
43 operating fund. Annually, the board of directors  
44 shall certify to the department of education the  
45 amounts of the school district's administrative  
46 expenditures and its operating fund. For the purposes  
47 of this section, "base year" and "budget year" mean  
48 the same as defined in section 442.6, Code 1989, and  
49 section 257.2, and "administrative expenditures" means  
50 expenditures for executive administration.

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1 Sec. 68. Section 279.46, Code 1989, is amended to  
2 read as follows:

3 279.46 RETIREMENT INCENTIVES — TAX.

4 The board of directors of a school district may  
5 adopt a program for payment of a monetary bonus,  
6 continuation of health or medical insurance coverage,  
7 or other incentives for encouraging its employees to  
8 retire before the normal retirement date as defined in  
9 chapter 97B. The program is available only to  
10 employees between fifty-nine and sixty-five years of  
11 age who notify the board of directors prior to March 1  
12 of the fiscal year that they intend to retire not  
13 later than the next following June 30. An employee  
14 retiring under this section shall apply for a  
15 retirement allowance under chapter 97B or chapter 294.  
16 If the total estimated accumulated cost to a school  
17 district of the bonus or other incentives for  
18 employees who retire under this section does not  
19 exceed the estimated savings in salaries and benefits  
20 for employees who replace the employees who retire  
21 under the program, the board may certify for include  
22 in the district management levy a tax on all taxable  
23 property in the school district an amount to pay the  
24 costs of the program provided in this section. The  
25 levy certified under this section is in addition to  
26 any other levy authorized for that school district by  
27 law and is not subject to budget limitations otherwise  
28 provided by law. A board may amend its certified  
29 budget during a fiscal year to provide for payments  
30 required under this section. Moneys received from the  
31 levy imposed under this section are miscellaneous  
32 income for purposes of chapter 442.

33 Sec. 69. NEW SECTION. 279.51 PROGRAMS FOR AT-  
34 RISK CHILDREN.

35 1. There is appropriated from the general fund of  
36 the state to the department of education for the  
37 fiscal year beginning July 1, 1990, the sum of eleven  
38 million two hundred thousand dollars. For each  
39 succeeding fiscal year, there is appropriated the  
40 amount appropriated for the previous fiscal year plus  
41 an additional amount equal to the state percent of  
42 growth as calculated in section 257.8 multiplied by  
43 the amount appropriated the previous fiscal year as  
44 follows:

45 a. Two hundred seventy-five thousand dollars of  
46 the funds appropriated shall be allocated to the area  
47 education agencies to assist school districts in  
48 developing program plans and budgets under this  
49 section and to assist school districts in meeting  
50 other responsibilities in early childhood education.

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1 b. Six million one hundred twenty-five thousand  
2 dollars of the funds appropriated shall be allocated  
3 to the child development coordinating council  
4 established in chapter 256A for the purposes set out  
5 in subsection 2 of this section and section 256A.3.

6 c. For each of the fiscal years during the fiscal  
7 period beginning July 1, 1990, and ending June 30,  
8 1994, eight hundred thousand dollars of the funds  
9 appropriated shall be allocated for the school-based  
10 youth services education program established in  
11 subsection 3. Subject to the approval of the state  
12 board of education, the allocation made in this  
13 paragraph may be renewed for additional four-year  
14 periods of time.

15 d. Four million dollars of the funds appropriated  
16 shall be allocated as grants to school districts that  
17 have elementary schools that demonstrate the greatest  
18 need for programs for at-risk students with preference  
19 given to innovative programs for the early elementary  
20 school years.

21 e. Additional funds available under this  
22 subsection shall be distributed equally between  
23 paragraphs "b" and "d".

24 2. Funds allocated under subsection 1, paragraph  
25 "b", shall be used by the child development  
26 coordinating council for the following:

27 a. To continue funding for programs previously  
28 funded by grants awarded under section 256A.3 and to  
29 provide additional grants under section 256A.3. The  
30 council shall seek to provide grants on the basis of  
31 the location within the state of children meeting at-  
32 risk definitions.

33 b. At the discretion of the child development  
34 coordinating council, award grants for the following:

35 (1) To school districts to establish programs for  
36 three-year, four-year, and five-year old at-risk  
37 children which is a combination of preschool and full-  
38 day kindergarten.

39 (2) To provide grants to provide educational  
40 support services to parents of at-risk children age  
41 birth through three years.

42 3. A school-based youth services education program  
43 is established. The department of education, in  
44 consultation with the department of human services,  
45 the department of employment services, the Iowa  
46 department of public health, and the division of job  
47 training and entrepreneurship assistance of the  
48 department of economic development, shall develop a  
49 four-year demonstration grant program that commences  
50 in the fiscal year beginning July 1, 1990. The

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1 department shall provide grants to individual middle  
2 schools or high schools to establish school-based  
3 youth services programs based upon program plans filed  
4 by the board of directors of the school district.  
5 Priority shall be given to schools with student  
6 populations characterized by high rates of a number of  
7 the following: school dropout and absenteeism;  
8 teenage pregnancy; juvenile court involvement;  
9 unemployment; teenage suicide; and teenage mental  
10 health, substance abuse, and other health problems.

11 The department shall evaluate proposed programs based  
12 upon the department's analysis of effectiveness in  
13 reducing these rates within the schools.

14 Additional objectives of the programs shall be: to  
15 increase the ability of existing agencies within the  
16 community to address the multiple problems of  
17 teenagers and to coordinate their activities, to  
18 provide an accessible and attractive center for  
19 teenagers in or near school that they are most likely  
20 to use, and to facilitate joint planning to make the  
21 most economic and innovative use of community  
22 resources. Programs shall at a minimum provide job  
23 training and employment services, mental health and  
24 family counseling services, and primary health care  
25 services that include but are not limited to physical  
26 examinations, immunizations, hearing and vision  
27 screening, and preventive and primary health care  
28 services, in the context of the educational needs of  
29 the students. Programs shall not include abortion  
30 counseling or the dispensing of contraceptives. The  
31 department shall give additional consideration to  
32 program proposals that provide access to the center  
33 after school, in the evening and on weekends, and  
34 during the summer; that provide a twenty-four hour  
35 telephone hotline or similar service; and that provide  
36 access to day care or on-site day care.

37 The plan shall include the appointment by the board  
38 of a local advisory board for each proposed program,  
39 which at a minimum shall include a representative of  
40 the private industry council serving the area, parents  
41 of children enrolled in the school, a teacher  
42 recommended by the local teachers association, a  
43 representative from the health and mental health com-  
44 munity in the area, teenagers enrolled in the school  
45 and recommended by the school student government, a  
46 representative from the nonprofit provider community,  
47 and a representative from the juvenile court system  
48 serving the area. Management of the program shall be  
49 by the school or by a nonprofit youth service  
50 organization. As used in this subsection, "youth

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1 service" means recreational services, employment  
2 services, civic services, or juvenile treatment  
3 services.

4 Program proposals shall include a written  
5 commitment from the school principal and the board of  
6 directors that the school will work to coordinate and  
7 integrate existing school services and activities with  
8 the center and shall include letters of support for  
9 the proposal from the local teachers association;  
10 parent-teacher organizations; community organizations;  
11 nonprofit agencies providing social services, health,  
12 or employment services in the area; and the area  
13 private industry council.

14 Grants for the program shall not be used to  
15 construct a new facility, but up to ten percent of the  
16 grant may be used to renovate an existing structure.  
17 In addition, up to ten percent of the grant funds may  
18 be used to provide each of the following service  
19 categories: day care, transportation, and recreation.

20 Program proposals shall include a contribution of  
21 at least twenty percent of the total costs of the  
22 program, which can include "in-kind" services.  
23 Partnerships between the public and private sectors to  
24 provide employment and training opportunities for  
25 youth served by the program are particularly  
26 encouraged. The budget for a proposed program shall  
27 not exceed two hundred thousand dollars per year.

28 4. The department shall seek assistance from the  
29 first in the nation in education foundation  
30 established in chapter 257A and other foundations and  
31 public and private agencies in the evaluation of the  
32 programs funded under this section, and in the  
33 provision of support to school districts in developing  
34 and implementing the programs funded under this  
35 section.

36 5. The state board of education shall adopt rules  
37 under chapter 17A for the administration of this  
38 section.

39 **Sec. 70. NEW SECTION. 279.52 OPTIONAL FUNDING OF**  
40 **ASBESTOS PROJECTS.**

41 The board of directors may pay the actual cost of  
42 an asbestos project from any funds in the general fund  
43 of the district, funds received from the physical  
44 plant and equipment levy, funds received under the  
45 additional enrichment amount for an asbestos project,  
46 or moneys obtained through a federal asbestos loan  
47 program, to be repaid from any of the funds specified  
48 in this subsection.

49 For the purpose of this section, "cost of an  
50 asbestos project" includes the costs of inspection and

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1 reinspection, sampling, analysis, assessment, response  
2 actions, operations and maintenance, training,  
3 periodic surveillance, developing of management plans  
4 and recordkeeping requirements relating to the  
5 presence of asbestos in school buildings of the  
6 district and its removal or encapsulation.

7 Sec. 71. NEW SECTION. 279.53 ADDITIONAL  
8 ENRICHMENT AMOUNT FOR ASBESTOS PROJECTS.

9 1. A school board may raise an additional  
10 enrichment amount for purposes of funding an asbestos  
11 project under section 279.52 as provided in this  
12 section.

13 2. The board shall determine the additional  
14 enrichment amount needed for an asbestos project,  
15 within the limits of this section, and shall direct  
16 the county commissioner of elections to submit the  
17 question of whether to raise that amount under this  
18 section and section 279.54, to the qualified electors  
19 of the school district at a regular school election  
20 held during September of the base year or at a special  
21 election held not later than February 15 of the base  
22 year or February 15, 1995, whichever is earlier. Only  
23 one election on the question shall be held during a  
24 twelve-month period. If a majority of those voting on  
25 the question favors raising the enrichment amount for  
26 an asbestos project, the board may include the  
27 approved amount in its certified budget.

28 3. The additional enrichment amount needed for an  
29 asbestos project shall be raised within the limits  
30 provided in this section by a combination of an  
31 enrichment property tax and a school district income  
32 surtax imposed in the proportion of a property tax of  
33 twenty-seven cents per thousand dollars of assessed  
34 valuation of taxable property in the district for each  
35 five percent of income surtax.

36 4. The additional enrichment amount for a district  
37 for an asbestos project is limited to the amount which  
38 may be raised by a combination tax in the prescribed  
39 proportion which does not exceed a property tax of one  
40 dollar and sixty-two cents per thousand dollars of  
41 assessed valuation and an income surtax of thirty  
42 percent.

43 Sec. 72. NEW SECTION. 279.54 COMPUTATION OF  
44 ENRICHMENT AMOUNT FOR AN ASBESTOS PROJECT.

45 If a majority of those voting in an election  
46 approves raising the additional enrichment amount for  
47 an asbestos project under section 279.53 and this  
48 section, the board shall certify to the department of  
49 management that the required procedures have been  
50 carried out, and the department of management shall

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1 establish the amount of additional enrichment property  
2 tax to be levied and the amount of school district  
3 income surtax to be imposed for each school year for  
4 which the additional enrichment amount for an asbestos  
5 project is authorized. The department of management  
6 shall determine these amounts based upon the most  
7 recent figures available for the district's valuation  
8 of taxable property, individual state income tax paid,  
9 and budget enrollment in the district, and shall  
10 certify to the district's county auditor the amount of  
11 enrichment property tax, and to the director of  
12 revenue and finance the amount of school district  
13 income surtax to be imposed.

14 The school district income surtax for an asbestos  
15 project shall be imposed on the state individual  
16 income tax for the calendar year during which the  
17 school's budget year begins, or for a taxpayer's  
18 fiscal year ending during the second half of that  
19 calendar year or the first half of the succeeding  
20 calendar year, and shall be imposed on all individuals  
21 residing in the school district on the last day of the  
22 applicable tax year. As used in this section, "state  
23 individual income tax" means the tax computed under  
24 section 422.5, less the deductions allowed in sections  
25 422.10 through 422.12.

26 An additional enrichment amount for an asbestos  
27 project authorized under section 279.53 is authorized  
28 for a period of three years. If the board wishes to  
29 continue any additional enrichment amount for an  
30 asbestos project beyond the period authorized, it  
31 shall reestablish its authority to do so in the manner  
32 provided in section 279.53 within the twelve-month  
33 period prior to termination of the existing period.

34 Sec. 73. NEW SECTION. 279.55 STATUTES  
35 APPLICABLE.

36 The director of revenue and finance shall  
37 administer any school district income surtax imposed  
38 under this chapter, and sections 422.20, 422.22 to  
39 422.31, 422.68, and 422.72 through 422.75, apply in  
40 respect to administration of the school district  
41 income surtax.

42 Sec. 74. NEW SECTION. 279.56 FORM AND TIME OF  
43 RETURN.

44 The school district income surtax imposed under  
45 section 279.54 shall be made a part of the Iowa  
46 individual income tax return subject to the conditions  
47 and restrictions set forth in section 422.21.

48 Sec. 75. NEW SECTION. 279.57 DEPOSIT OF SCHOOL  
49 DISTRICT INCOME SURTAX.

50 The director of revenue and finance shall deposit

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1 the moneys received as school district income surtax  
2 on or before November 1 of the year following the  
3 close of the budget year for which the surtax is  
4 imposed, to the credit of each district from which the  
5 moneys are received, in a "school district income  
6 surtax fund" which is established in the office of the  
7 treasurer of state.

8 All school district surtax moneys received or  
9 refunded after November 1 of the year following the  
10 close of the school budget year for which the surtax  
11 is imposed shall be deposited in or withdrawn from the  
12 general fund of the state and shall be considered part  
13 of the cost of administering the school district  
14 surtax.

15 **Sec. 76. NEW SECTION. 279.58 SCHOOL DISTRICT**  
16 **INCOME SURTAX CERTIFICATION.**

17 On or before October 20 each year, the director of  
18 revenue and finance shall make an accounting of the  
19 school district income surtax collected under this  
20 chapter applicable to tax returns for the last  
21 preceding calendar year, or for fiscal year taxpayers,  
22 on the last day of their tax year ending during that  
23 calendar year and after the date of the election  
24 approving the surtax, from taxpayers in each school  
25 district in the state which has imposed a surtax, and  
26 shall certify to the department of management and the  
27 department of education the amount of total school  
28 district income surtax credited from the taxpayers of  
29 each school district. Additional returns in process,  
30 if any, at the time of certification shall be  
31 completed and the additional amount of school district  
32 income surtax reported to the department of management  
33 for distribution back to the school district with the  
34 first installment of the following school year.

35 **Sec. 77. NEW SECTION. 279.59 SCHOOL DISTRICT**  
36 **INCOME SURTAX DISTRIBUTION.**

37 The director of revenue and finance shall draw  
38 warrants in payment of the amount of surtax payable to  
39 each of the school districts in two installments to be  
40 paid on approximately the first day of December and  
41 the first day of February, and shall cause the  
42 warrants to be delivered to the respective school  
43 districts.

44 **Sec. 78. Section 280.4, subsection 4, Code 1989,**  
45 **is amended to read as follows:**

46 4. In order to provide funds for the excess costs  
47 of instruction of non-English-speaking students above  
48 the costs of instruction of pupils in a regular  
49 curriculum, students identified as non-English-  
50 speaking are assigned an additional weighting of two—

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1 tenths and that weighting shall be included in the  
2 weighted enrollment of the school district of  
3 residence for a period not exceeding three years.  
4 However, the school budget review committee may grant  
5 supplemental aid or modified allowable growth, to a  
6 school district to continue funding a program for  
7 students after the expiration of the three-year  
8 period. The school budget review committee shall  
9 calculate the additional amount for the weighting to  
10 the nearest one-hundredth of one so that, to the  
11 extent possible, the moneys generated by the weighting  
12 will be equivalent to the moneys generated by the two-  
13 tenths weighting provided prior to July 1, 1991.

14 Sec. 79. Section 280.13A, unnumbered paragraph 3,  
15 Code 1989, is amended to read as follows:

16 It is not necessary that school districts that are  
17 parties to an agreement under this section must be  
18 engaged in sharing academic programming and receiving  
19 supplementary weighting under section ~~442.39~~ 257.11.

20 Sec. 80. Section 281.2, subsection 4, Code 1989,  
21 is amended to read as follows:

22 4. ~~Any funds~~ Moneys received by the school  
23 district of the child's residence for the child's  
24 education, derived from ~~funds~~ moneys received through  
25 chapter 442 257, this chapter, and section 273.9 shall  
26 be paid by the school district of the child's  
27 residence to the appropriate education agency, private  
28 agency, or other school district providing special  
29 education for the child pursuant to contractual  
30 arrangements as provided in section 273.3, subsections  
31 5 and 7.

32 Sec. 81. Section 281.8, unnumbered paragraph 1,  
33 Code 1989, is amended to read as follows:

34 It ~~shall not be~~ is not incumbent upon the school  
35 districts to keep a child requiring special education  
36 in regular instruction when the child cannot  
37 sufficiently profit from the work of the regular  
38 classroom, nor to keep ~~such a~~ child requiring special  
39 education in the special class or instruction for  
40 children requiring special education when it is  
41 determined by the director of special education of an  
42 area education agency that the child can no longer  
43 benefit from the instruction or needs more specialized  
44 instruction available in special schools. However,  
45 the school district shall count the child requiring  
46 special education in the enrollment as provided in  
47 sections 257.6, 273.9, and 281.9 and 442.4 and shall  
48 ~~insure~~ ensure that appropriate educational provisions  
49 are made for the child requiring special education  
50 within the limits of ~~funds~~ moneys available under the

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1 provisions of this chapter and chapters 257 and 273  
2 and 442.

3 Sec. 82. Section 281.9, subsections 2, 4, and 9,  
4 Code 1989, are amended to read as follows:

5 2. The weighting for each category of child  
6 multiplied by the number of children in each category  
7 in the enrollment of a school district, as identified  
8 and certified by the director of special education for  
9 the area, determines the weighted enrollment to be  
10 used in that district for purposes of computations  
11 required under the state school foundation plan in  
12 chapter 442 257.

13 4. On December 1, 1987, and no later than December  
14 1 every two years thereafter, for the school year  
15 commencing the following July 1, the director of the  
16 department of education shall report to the school  
17 budget review committee the average costs of providing  
18 instruction for children requiring special education  
19 in the categories of the weighting plan established  
20 under this section, and the director of the department  
21 of education shall make recommendations to the school  
22 budget review committee for needed alterations to make  
23 the weighting plan suitable for subsequent school  
24 years. The school budget review committee shall  
25 establish the weighting plan for each school year  
26 after the school year commencing July 1, 1987, and  
27 shall report the plan to the director of the  
28 department of education. Commencing December 1, 1990,  
29 the school budget review committee may establish  
30 weights to the nearest hundredth. The school budget  
31 review committee shall not alter the weighting  
32 assigned to pupils in a regular curriculum, but it may  
33 increase or decrease the weighting assigned to each  
34 category of children requiring special education by  
35 not more than two-tenths of the weighting assigned to  
36 pupils in a regular curriculum. The state board of  
37 education shall adopt rules under chapter 17A, to  
38 implement the weighting plan for each year and to  
39 assist in identification and proper indexing of each  
40 child in the state who requires special education.

41 9. Commencing with the school year beginning July  
42 1, 1975, funds generated for special education  
43 instructional programs under this chapter and chapter  
44 442 257 shall not be expended for modifications of  
45 school buildings to make them accessible to children  
46 requiring special education. Unencumbered funds  
47 generated for special education instructional programs  
48 for the school years beginning July 1, 1975 and July  
49 1, 1976, shall not be expended for such purpose unless  
50 approved by the department of public instruction based

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1 upon applications received by the department prior to  
2 January 1, 1978 and approved prior to April 1, 1978.

3 Sec. 83. Section 282.3, subsection 1, Code 1989,  
4 is amended to read as follows:

5 1. The board may exclude from school children  
6 under the age of six years when in its judgment such  
7 children are not sufficiently mature to be benefited  
8 by regular instruction; or any incorrigible child or  
9 any child who in its judgment is so abnormal that  
10 regular instruction would be of no substantial  
11 benefit; or any child whose presence in school may be  
12 injurious to the health or morals of other pupils or  
13 to the welfare of such school. However, the board  
14 shall provide special education programs and services  
15 under the provisions of chapters 257, 273, and 281,  
16 and 442 for all children requiring special education.

17 Sec. 84. Section 282.7, subsection 3, Code 1989,  
18 is amended to read as follows:

19 3. Notwithstanding ~~section sections~~ sections 28E.9 and  
20 282.8 and section 28E.9, a school district may  
21 negotiate an agreement under subsection 1 for  
22 attendance of its pupils in a school district located  
23 in a contiguous state subject to a reciprocal  
24 agreement by the two state boards in the manner  
25 provided in this subsection. Prior to negotiating an  
26 agreement with the school district in the contiguous  
27 state, the board of directors shall file a written  
28 request with the state board of education for a  
29 determination whether the school district in the  
30 contiguous state meets requirements substantially  
31 similar to those required for accredited or approved  
32 school districts in this state and the school district  
33 receives or has available services equivalent to those  
34 that would be provided in this state by an area  
35 education agency. The school district shall also  
36 obtain approval by the department of education of the  
37 sharing proposal, before the agreement becomes  
38 effective. Six months ~~prior to~~ before making the  
39 request for approval, the district shall request a  
40 feasibility study from the department of education.  
41 If the state board of this state and the corresponding  
42 state board in the contiguous state agree that the  
43 school districts of their respective states meet  
44 substantially similar requirements and have  
45 substantially similar services available to the school  
46 district, and if the Iowa department of education  
47 approves the proposed contract, the two state boards  
48 may sign a reciprocal agreement for attendance of  
49 their pupils in the school district of the other  
50 state, subject to the agreement signed between the

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1 boards of directors of the two districts. A school  
2 district that negotiates an agreement with a school  
3 district in a contiguous state under this subsection  
4 is not eligible for supplementary weighting under  
5 section ~~442.39~~ 257.11 as a result of that agreement.

6 Sec. 85. Section 282.24, subsection 1, unnumbered  
7 paragraph 1, Code 1989, is amended to read as follows:

8 There is established a The maximum tuition fee that  
9 may be charged for elementary and high school students  
10 residing within another school district or corporation  
11 except students attending school in another district  
12 under section 282.7, subsection 1, or subsections 1  
13 and 3. That fee, is the district cost per pupil of  
14 the receiving district as computed in section ~~442.9,~~  
15 ~~subsection 1, paragraph "a"~~ 257.10.

16 Sec. 86. Section 282.28, unnumbered paragraph 2,  
17 Code 1989, is amended to read as follows:

18 The area education agency shall submit a claim to  
19 the department of education by August 1 following the  
20 school year for the actual costs of the special  
21 education programs and services provided at the  
22 training school and juvenile home. The department  
23 shall review and approve or modify the claims by  
24 September 1 and shall notify the department of revenue  
25 and finance of the approved claim amount. The total  
26 amount of the approved claim shall be paid by the  
27 department of revenue and finance to the area  
28 education agency by October 1. The total amount paid  
29 by the department of revenue and finance shall be  
30 deducted monthly from the state foundation aid paid  
31 under section ~~442.26~~ 257.16 during the remainder of  
32 that fiscal year to all school districts in the state.  
33 The portion of the total amount of the approved claim  
34 that shall be deducted from the state aid of a school  
35 district shall be the same as the ratio that the  
36 budget enrollment for the budget year of the school  
37 district bears to the total budget enrollment in the  
38 state for that budget year. The department of revenue  
39 and finance shall transfer the total amount of the  
40 approved claim from the moneys appropriated under  
41 section ~~442.26~~ 257.16 for payment to the area  
42 education agency.

43 Sec. 87. Section 282.31, subsection 1, paragraph  
44 a, Code 1989, is amended to read as follows:

45 a. A child who lives in a facility pursuant to  
46 section 282.30, subsection 1, paragraph "a", and who  
47 is not enrolled in the educational program of the  
48 district of residence of the child, shall receive  
49 appropriate educational services. The area education  
50 agency shall submit a proposed program and budget to

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1 the department of education by January 1 for the next  
2 succeeding school year. The department of education  
3 shall review and approve or modify the program and  
4 proposed budget and shall notify the area education  
5 agency by February 1. The area education agency shall  
6 submit a claim to the department of education by  
7 August 1 following the school year for the actual cost  
8 of the program. The department shall review and  
9 approve or modify all expenditures incurred in  
10 compliance with the guidelines pursuant to section  
11 256.7, subsection 12, and shall notify the department  
12 of revenue and finance of the approved claim amount by  
13 September 1. The total amount of the approved claim  
14 shall be paid by the department of revenue and finance  
15 to the area education agency by October 1. The total  
16 amount paid by the department of revenue and finance  
17 shall be deducted monthly from the state school  
18 foundation aid paid under section ~~442.26~~ 257.16 during  
19 the remainder of that fiscal year to all school  
20 districts in the state. The portion of the total  
21 amount of the approved claims that shall be deducted  
22 from the state aid of a school district shall be the  
23 same as the ratio that the budget enrollment for the  
24 budget year of the school district bears to the total  
25 budget enrollment in the state for that budget year.  
26 The department of revenue and finance shall transfer  
27 the total amount of the approved claims from the  
28 moneys appropriated under section ~~442.26~~ 257.16 for  
29 payment to the area education agencies.

30 Sec. 88. Section 282.31, subsection 3, Code 1989,  
31 is amended to read as follows:

32 3. The actual special education instructional  
33 costs, including transportation, for a child who  
34 requires special education shall be paid by the  
35 department of revenue and finance to the school  
36 district in which the facility or home is located,  
37 only when a district of residence cannot be  
38 determined, and the child was not included in the  
39 weighted enrollment of any district pursuant to  
40 section 281.9, and the payment pursuant to subsection  
41 2, paragraph "a", was not made by any district. The  
42 district shall submit a proposed program and budget to  
43 the department of education by January 1 for the next  
44 succeeding school year. The department of education  
45 shall review and approve or modify the program and  
46 proposed budget and shall notify the district by  
47 February 1. The district shall submit a claim by  
48 August 1 following the school year for the actual cost  
49 of the program. The department shall review and  
50 approve or modify the claim and shall notify the

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1 department of revenue and finance of the approved  
2 claim amount by September 1. The total amount of the  
3 approved claim shall be paid by the department of  
4 revenue and finance to the school district by October  
5 1. The total amount paid by the department of revenue  
6 and finance shall be deducted monthly from the state  
7 foundation aid paid under section ~~442.26~~ 257.16 during  
8 the remainder of that fiscal year to all school  
9 districts in the state. The portion of the total  
10 amount of the approved claims that shall be deducted  
11 from the state aid of a school district shall be the  
12 same as the ratio that the budget enrollment for the  
13 budget year of the school district bears to the total  
14 budget enrollment in the state for the budget year.  
15 The department of revenue and finance shall transfer  
16 the total amount of the approved claims from moneys  
17 appropriated under section ~~442.26~~ 257.16 for payment  
18 to the school district.

19 Sec. 89. Section 283A.9, Code 1989, is amended to  
20 read as follows:

21 **283A.9 BUILDING FOR SCHOOL LUNCH FACILITY.**

22 School districts ~~are authorized to may~~ purchase,  
23 erect, or otherwise acquire a building for use as a  
24 school lunch facility, and ~~to equip such~~ a building  
25 for ~~such~~ that use, and pay for ~~same~~ the acquisition or  
26 equipping from unencumbered funds on hand in the  
27 schoolhouse fund ~~derived from taxes voted under~~  
28 ~~authority of section 278.1, subsection 7, or 275.32,~~  
29 subject to the terms of this section, or may pay for  
30 ~~same~~ the facility or equipment from the proceeds of  
31 the sale of school property sold under section 297.22,  
32 or from surplus remaining in the schoolhouse fund  
33 after retirement of a bond issue, ~~or from a tax voted~~  
34 ~~for said purposes.~~

35 Sec. 90. Section 285.2, unnumbered paragraph 3,  
36 Code 1989, is amended to read as follows:

37 The costs of providing transportation to nonpublic  
38 school pupils as provided in section 285.1 shall not  
39 be included in the computation of district cost under  
40 chapter 442 257, but shall be shown in the budget as  
41 an expense from miscellaneous income. Any  
42 transportation reimbursements received by a local  
43 school district for transporting nonpublic school  
44 pupils shall not affect district cost limitations of  
45 chapter 442 257. The reimbursements provided in this  
46 section are miscellaneous income as defined in section  
47 ~~442-5~~ 257.2.

48 Sec. 91. Section 286A.2, subsections 3, 4, and 5,  
49 Code 1989, are amended to read as follows:

50 3. "Base year" means base year as defined in

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1 section ~~442.6~~ 257.2.

2 4. "Budget year" means budget year as defined in  
3 section ~~442.6~~ 257.2.

4 5. "State percent of growth" is the state percent  
5 of growth calculated under section ~~442.7~~ 257.8.

6 Sec. 92. Section 286A.14, subsection 1, unnumbered  
7 paragraph 1, Code 1989, is amended to read as follows:

8 1. An area school budget review procedure is  
9 established for the school budget review committee  
10 created in section ~~442.12~~ 257.28. The school budget  
11 review committee, in addition to its duties under  
12 chapter ~~442~~ 257, shall meet and hold hearings each  
13 year under this chapter to review unusual  
14 circumstances of area schools, either upon the  
15 committee's motion or upon the request of an area  
16 school. The committee may grant supplemental aid to  
17 the area school from funds appropriated to the  
18 department of education for area school budget review  
19 purposes, or an amount may be added to the area school  
20 allowable growth for all cost centers and area school  
21 allowable growth for noninstructional functions for  
22 the budget year either on a temporary or permanent  
23 basis, or the committee may allow both.

24 Sec. 93. Section 291.13, Code 1989, is amended to  
25 read as follows:

26 291.13 GENERAL AND SCHOOLHOUSE FUNDS.

27 The money collected by a tax ~~authorized by the~~  
28 electors the regular and voter-approved physical plant  
29 and equipment levies or the proceeds of the sale of  
30 bonds authorized by law or the proceeds of a tax  
31 estimated and certified by the board for the purpose  
32 of paying interest and principal on lawful bonded  
33 indebtedness ~~or for the purchase of sites as~~  
34 authorized by law, shall be called deposited in the  
35 schoolhouse fund and, except when authorized by the  
36 electors, may be used only for the purpose for which  
37 originally authorized or certified. The money  
38 collected by the district management levy shall be  
39 deposited in a subfund of the general fund of the  
40 school district. All other moneys received for any  
41 other purpose shall be ~~called deposited in the general~~  
42 fund. The treasurer shall keep a separate account  
43 ~~with for each fund, paying no and shall not pay an~~  
44 order that fails to state the fund upon which it is  
45 drawn and the specific use to which it is to be  
46 applied.

47 Sec. 94. Section 294A.2, subsections 1 and 2, Code  
48 1989, are amended to read as follows:

49 1. "Certified enrollment in a school district" for  
50 the school years beginning July 1, 1987, July 1, 1988,

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1 and July 1, 1989, means that district's basic  
2 enrollment for the budget year beginning July 1, 1987  
3 as defined in section 442.4, Code 1989. For each  
4 school year thereafter, certified enrollment in a  
5 school district means that district's basic enrollment  
6 for the budget year as defined in section 257.2.

7 2. "Enrollment served" for the fiscal years  
8 beginning July 1, 1987, July 1, 1988, and July 1,  
9 1989, means that area education agency's enrollment  
10 served for the budget year beginning July 1, 1987.  
11 For each school year thereafter, enrollment served  
12 means that area education agency's enrollment served  
13 for the budget year. Enrollment served shall be  
14 determined under section 442.27, subsection 12 257.34.

15 Sec. 95. Section 294A.9, unnumbered paragraph 1,  
16 Code 1989, is amended to read as follows:

17 Phase II is established to improve the salaries of  
18 teachers. For each fiscal year through the fiscal  
19 year beginning July 1, 1990, the department of  
20 education shall allocate to each school district for  
21 the purpose of implementing phase II an a per pupil  
22 amount equal to seventy-five dollars and ninety-three  
23 cents multiplied by the district's certified  
24 enrollment and to each area education agency for the  
25 purpose of implementing phase II an a per pupil amount  
26 equal to three dollars and fifty-five cents multiplied  
27 by the enrollment served in the area education agency,  
28 if the general assembly has appropriated sufficient  
29 moneys to the fund so that pursuant to section 294A.3,  
30 thirty-eight million five hundred thousand dollars  
31 will be allocated by the department to school  
32 districts and area education agencies for phase II.  
33 If, because of the amount of the appropriation made by  
34 the general assembly to the fund, less than thirty-  
35 eight million five hundred thousand dollars is  
36 allocated for phase II, the department of education  
37 shall adjust the amount for each student in certified  
38 enrollment and each student in enrollment served based  
39 upon the amount allocated for phase II.

40 Notwithstanding the per pupil amount of the payments  
41 specified in this section, for the fiscal year  
42 beginning July 1, 1991, and each succeeding fiscal  
43 year, the per pupil amounts upon which the phase II  
44 moneys are based shall be increased by an amount equal  
45 to the product of the state percent of growth  
46 calculated under section 257.8 and the per pupil  
47 amount for the previous fiscal year.

48 Sec. 96. Section 294A.14, Code 1989, is amended by  
49 adding the following new unnumbered paragraph after  
50 unnumbered paragraph 1:

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1 NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
2 amount per pupil of the payments specified in this  
3 section, for the fiscal year beginning July 1, 1991,  
4 and succeeding fiscal years, if a school district's or  
5 area education agency's approved phase III plan for a  
6 fiscal year contains a component that includes a  
7 performance-based pay plan, the per pupil amount upon  
8 which the phase III moneys are based shall be  
9 increased by an amount equal to the product of the  
10 state percent of growth calculated under section 257.8  
11 and the per pupil amount for the previous fiscal year.

12 Sec. 97. Section 294A.14, unnumbered paragraph 4,  
13 Code 1989, is amended to read as follows:

14 For the purpose of this section, a performance-  
15 based pay plan shall provide for salary increases for  
16 teachers who ~~demonstrate superior performance in~~  
17 completing assigned duties take action to achieve  
18 superior performance through participation in  
19 additional course work, in-service programs,  
20 comprehensive school transformation programs,  
21 activities for students, comprehensive goal-oriented  
22 compensation mechanisms, or innovative education  
23 programs. The plan shall include the method used to  
24 determine superior performance of a teacher. For  
25 school districts, the plan may include assessments of  
26 specific teaching behavior, assessments of student  
27 performance, assessments of other characteristics  
28 associated with effective teaching, or a combination  
29 of these criteria.

30 Sec. 98. Section 294A.22, Code 1989, is amended to  
31 read as follows:

32 294A.22 PAYMENTS.

33 Payments for each phase of the educational  
34 excellence program shall be made by the department of  
35 revenue and finance on a quarterly basis, and the  
36 payments shall be separate from state aid payments  
37 made pursuant to sections ~~442.25 257.16 and 442.26~~  
38 ~~257.32.~~ For the school year beginning July 1, 1987,  
39 the first quarterly payment shall be made not later  
40 than October 15, 1987 taking into consideration the  
41 relative budget and cash position of the state  
42 resources. The payments to a school district or area  
43 education agency may be combined and a separate  
44 accounting of the amount paid for each program shall  
45 be included.

46 Any payments made to school districts or area  
47 education agencies under this chapter are  
48 miscellaneous income for purposes of chapter ~~442 257.~~

49 Sec. 99. Section 294A.25, subsection 1, Code 1989,  
50 is amended to read as follows:

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1 1. For each fiscal year commencing with the fiscal  
2 year beginning July 1, 1987 1990, there is  
3 appropriated from the general fund of the state to the  
4 department of education the amount of ninety-two  
5 million one hundred thousand eighty-five dollars to be  
6 used to improve teacher salaries. For each fiscal  
7 year thereafter, there is appropriated an amount equal  
8 to the amount appropriated for the fiscal year  
9 beginning July 1, 1990, plus an amount sufficient to  
10 pay the costs of the additional funding provided for  
11 school districts and area education agencies under  
12 sections 294A.9 and 294A.14. The moneys shall be  
13 distributed as provided in this section.

14 Sec. 100. Section 294A.25, subsection 5, Code  
15 1989, is amended to read as follows:

16 5. For each the fiscal year beginning July 1,  
17 1991, and succeeding fiscal years, the remainder of  
18 moneys appropriated in subsection 1 to the department  
19 of education shall be deposited in the educational  
20 excellence fund to be allocated in an amount to meet  
21 the minimum salary requirements of this chapter for  
22 phase I, in an amount of ~~thirty-eight million five~~  
23 ~~hundred thousand dollars to meet the requirements for~~  
24 phase II, and the remainder of the appropriation for  
25 phase III.

26 Sec. 101. Section 296.7, Code 1989, is amended to  
27 read as follows:

28 296.7 INDEBTEDNESS FOR INSURANCE AUTHORIZED – TAX  
29 LEVY.

30 A school district or merged area school corporation  
31 is authorized to may contract indebtedness and to  
32 issue general obligation bonds or enter into insurance  
33 agreements obligating the school district or  
34 corporation to make payments beyond its current budget  
35 year to procure or provide for a policy of insurance,  
36 a self-insurance program, or establish and maintain a  
37 local government risk pool to protect the school  
38 district or corporation from tort liability, loss of  
39 property, environmental hazards, or any other risk  
40 associated with the operation of the school district  
41 or corporation. Taxes for the payment of the  
42 principal, premium, or interest on such a bond the  
43 bonds, the payment of such an the premium on the  
44 insurance policy, the payment of the costs of such a  
45 self-insurance program, the payment of the costs of  
46 such a local government risk pool, and the payment of  
47 any amounts payable under any such an insurance  
48 agreement authorized in this section may be levied in  
49 excess of any tax limitation imposed by statute.  
50 However, for a school district, a tax levied under

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1 this section shall be included in the district  
2 management levy under section 298.4. Such a self-  
3 insurance program or local government risk pool is not  
4 insurance and is not subject to regulation under  
5 chapters 505 through 523C. However, those self-  
6 insurance plans regulated pursuant to section 509A.14  
7 shall remain subject to the requirements of section  
8 509A.14 and rules adopted pursuant to that section.

9 If the board by resolution restricts the use of  
10 money in a fund as a reserve for uninsured liability  
11 or a self-insurance program, the use shall be  
12 restricted and unavailable for any other purpose until  
13 the board removes the restriction. The removal is not  
14 effective until all obligations of the restricted fund  
15 have been satisfied, or the next fiscal year,  
16 whichever occurs later.

17 Sec. 102. NEW SECTION. 297.35 CONTINUATION OF  
18 LOAN AGREEMENT.

19 A loan agreement between a school district and a  
20 bank, investment banker, trust company, insurance  
21 company, or insurance group that was made under  
22 section 297.36, Code 1989, prior to July 1, 1991, in  
23 order to make immediately available proceeds of the  
24 schoolhouse tax approved by the voters prior to July  
25 1, 1991, and the levy of taxes to pay principal and  
26 interest thereafter shall continue in effect for the  
27 duration of the loan agreement.

28 Sec. 103. Section 297.36, Code 1989, is amended to  
29 read as follows:

30 297.36 LOAN AGREEMENTS.

31 In order to make immediately available proceeds of  
32 the schoolhouse tax voter-approved physical plant and  
33 equipment levy which has been approved by the voters  
34 as provided in section 278.1, subsection 7 298.2, the  
35 board of directors may, with or without notice, borrow  
36 money and enter into loan agreements in anticipation  
37 of the collection of the tax with a bank, investment  
38 banker, trust company, insurance company, or insurance  
39 group.

40 By resolution, the board shall provide for an  
41 annual levy which is within the limits of the tax  
42 approved by the voters voter-approved physical plant  
43 and equipment levy to pay for the amount of the  
44 principal and interest due each year until maturity.  
45 The board shall file a certified copy of the  
46 resolution with the auditor of each county in which  
47 the district is located. The filing of the resolution  
48 with the auditor ~~shall make~~ makes it the duty of the  
49 auditor to annually levy the amount certified for  
50 collection until funds are realized to repay the loan

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1 and interest on the loan in full.

2 The loan must mature within the period of time  
3 authorized by the voters and shall bear interest at a  
4 rate which does not exceed the limits provided under  
5 chapter 74A. A loan agreement entered into pursuant  
6 to this section shall be in a form as the board of  
7 directors shall by resolution provide and the loan  
8 shall be payable as to both principal and interest  
9 from the proceeds of the annual levy of the ~~voted tax~~  
10 ~~pursuant to section 278.1, subsection 7~~ voter-approved  
11 physical plant and equipment levy, or so much thereof  
12 as will be sufficient to pay the loan and interest on  
13 the loan.

14 The proceeds of a loan must be deposited in a fund  
15 which is separate from other district funds. Warrants  
16 paid from this fund must be for purposes authorized by  
17 the voters as provided in section 278.1, subsection 7  
18 for the voter-approved physical plant and equipment  
19 levy.

20 This section does not limit the authority of the  
21 board of directors to levy the full amount of the  
22 ~~voted tax~~ voter-approved physical plant and equipment  
23 levy, but if and to whatever extent the tax is levied  
24 in any year in excess of the amount of principal and  
25 interest falling due in that year under a loan  
26 agreement, the first available proceeds, to an amount  
27 sufficient to meet maturing installments of principal  
28 and interest under the loan agreement, shall be paid  
29 into the sinking fund for the loan before the taxes  
30 are otherwise made available to the school corporation  
31 for other school purposes, and the amount required to  
32 be annually set aside to pay principal of and interest  
33 on the money borrowed under the loan agreement shall  
34 ~~constitute~~ constitutes a first charge upon the  
35 proceeds of the ~~special voted tax~~ voter-approved  
36 physical plant and equipment levy, which tax shall be  
37 pledged to pay the loan and the interest on the loan.

38 This section is supplemental and in addition to  
39 existing statutory authority to finance the purposes  
40 specified in section 278.1, ~~subsection 7~~ 298.2 for the  
41 physical plant and equipment levy, and for the  
42 borrowing of money and execution of loan agreements in  
43 connection with that section and ~~subsection~~, and is  
44 not subject to any other law. The fact that a school  
45 corporation may have previously borrowed money and  
46 entered into loan agreements under authority of this  
47 section does not prevent the school corporation from  
48 borrowing additional money and entering into further  
49 loan agreements if the aggregate of the amount payable  
50 under all of the loan agreements does not exceed the

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1 proceeds of the ~~voted tax~~ voter-approved physical  
2 plant and equipment levy.

3 Sec. 104. Section 298.1, Code 1989, is amended to  
4 read as follows:

5 298.1 SCHOOL TAXES.

6 The board of each school district shall estimate  
7 the amount of the proposed expenditures and proposed  
8 receipts for the general school purposes at a time and  
9 in a manner to effectuate the provisions of chapter  
10 442 257 and sections 281.9 and 281.11. Compliance  
11 with chapter 24 shall be observed.

12 Sec. 105. NEW SECTION. 298.2 IMPOSITION OF  
13 PHYSICAL PLANT AND EQUIPMENT LEVY.

14 1. A physical plant and equipment levy of not  
15 exceeding one dollar per thousand dollars of assessed  
16 valuation in the district is established. The  
17 physical plant and equipment levy consists of the  
18 regular physical plant and equipment levy of not  
19 exceeding thirty-three cents per thousand dollars of  
20 assessed valuation in the district and a voter-  
21 approved physical plant and equipment levy consisting  
22 of a property tax levy not exceeding sixty-seven cents  
23 per thousand dollars of assessed valuation in the  
24 district or at the option of the board of directors a  
25 combination of a property tax levy and income surtax  
26 that will raise an amount equal to a property tax levy  
27 of sixty-seven cents per thousand dollars of assessed  
28 valuation. The combination of the property tax levied  
29 under this section and the income surtax imposed under  
30 this section shall be imposed in the proportion of a  
31 property tax of twenty-seven cents per thousand  
32 dollars of assessed valuation of taxable property in  
33 the district for each five percent of income surtax.  
34 If an income surtax will be imposed, the board shall  
35 certify the results of the election held under  
36 subsection 3 to the department of management. The  
37 department of management shall establish the amount of  
38 the property tax to be levied and the amount of the  
39 income surtax to be imposed for each school year that  
40 the levy is authorized.

41 If a combination of a property tax and income  
42 surtax is used, the property tax and income surtax  
43 shall be levied and imposed in the same manner as  
44 provided for the instructional support program in  
45 sections 257.20 through 257.26. The levy limitations  
46 of this subsection are subject to subsection 5.

47 2. The board of directors of a school district may  
48 certify for levy by March 15 of a school year a tax on  
49 all taxable property in the school district for the  
50 regular physical plant and equipment levy.

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1 3. The board may, and upon the written request of  
2 twenty-five eligible electors of a district having a  
3 population of five thousand or less or of fifty  
4 eligible electors of any other district shall, direct  
5 the county commissioner of elections to provide for  
6 submitting the proposition of levying the voter-  
7 approved physical plant and equipment levy for a  
8 period of time authorized by the voters in the notice  
9 of election. The ballot proposition shall contain the  
10 question of whether to impose the levy and shall  
11 specify whether the revenues to be raised will be  
12 raised by a property tax levy or by a combination of a  
13 property tax and an income surtax. The proposition is  
14 adopted if a majority of those voting on the  
15 proposition approves it.

16 4. The proposition to levy the voter-approved  
17 physical plant and equipment levy is not affected by a  
18 change in the boundaries of the school district,  
19 except as otherwise provided in this section. If each  
20 school district involved in a school reorganization  
21 under chapter 275 has adopted the voter-approved  
22 physical plant and equipment levy and if the voters  
23 have not voted upon the proposition to levy the voter-  
24 approved physical plant and equipment levy in the  
25 reorganized district, the existing voter-approved  
26 physical plant and equipment levy is in effect for the  
27 reorganized district for the least amount and the  
28 shortest time for which it is in effect in any of the  
29 districts.

30 Authorized levies for the period of time approved  
31 are not affected as a result of a failure of a  
32 proposition proposed to expand the purposes for which  
33 the funds may be expended.

34 5. If the board of directors of a school district  
35 in which the voters have authorized the schoolhouse  
36 tax prior to July 1, 1991, has entered into a rental  
37 or lease arrangement under section 279.26, Code 1989,  
38 or has entered into a loan agreement under section  
39 297.36, Code 1989, the levy shall continue for the  
40 period authorized and the maximum property tax levy,  
41 in subsection 1 or subsection 3, as applicable, that  
42 can be authorized under the voter-approved physical  
43 plant and equipment levy is reduced by the rate of the  
44 schoolhouse tax.

45 Sec. 106. NEW SECTION. 298.3 REVENUES FROM THE  
46 LEVIES.

47 The revenue from the regular and voter-approved  
48 physical plant and equipment levies shall be placed in  
49 the schoolhouse fund and expended only for the  
50 following purposes:

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1 1. The purchase and improvement of grounds. For  
 2 the purpose of this section: "purchase of grounds"  
 3 includes the legal costs relating to the property  
 4 acquisition, costs of surveys of the property, costs  
 5 of relocation assistance under state and federal law,  
 6 and other costs incidental to the property  
 7 acquisition. "Improvement of grounds" includes  
 8 grading, landscaping, paving, seeding, and planting of  
 9 shrubs and trees; constructing sidewalks, roadways,  
 10 retaining walls, sewers and storm drains, and  
 11 installing hydrants; surfacing and soil treatment of  
 12 athletic fields and tennis courts; furnishing and  
 13 installing flagpoles, gateways, fences, and  
 14 underground storage tanks which are not parts of  
 15 building service systems; demolition work; and special  
 16 assessments against the school district for public  
 17 improvements, as defined in section 384.37.

18 2. The construction of schoolhouses or buildings  
 19 and opening roads to schoolhouses or buildings.

20 3. The purchase of buildings and the purchase of a  
 21 single unit of equipment exceeding five thousand  
 22 dollars in value.

23 4. The payment of debts contracted for the  
 24 erection or construction of schoolhouses or buildings,  
 25 not including interest on bonds.

26 5. Procuring or acquisition of libraries.

27 6. Repairing, remodeling, reconstructing,  
 28 improving, or expanding the schoolhouses or buildings  
 29 and additions to existing schoolhouses.

30 For the purpose of this subsection, "repairing"  
 31 means to restore an existing structure or thing to its  
 32 original condition, as near as may be, after decay,  
 33 waste, injury, or partial destruction, but does not  
 34 include maintenance; and "reconstruction" means to  
 35 rebuild or to restore as an entity a thing which was  
 36 lost or destroyed.

37 7. Expenditures for energy conservation.

38 8. The rental of facilities under chapter 28E.

39 9. Purchase of transportation equipment for  
 40 transporting students.

41 10. Lease-purchase option agreements for school  
 42 buildings.

43 11. Equipment purchases for recreational purposes.

44 Interest earned on money in the schoolhouse fund  
 45 may be expended for a purpose listed in this section.

46 Sec. 107. NEW SECTION. 298.4 DISTRICT MANAGEMENT  
 47 LEVY.

48 The board of directors of a school district may  
 49 certify for levy by March 15 of a school year, a tax  
 50 on all taxable property in the school for a district

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1 management levy. The revenue from the tax levied in  
2 this section shall be placed in a district management  
3 subfund of the general fund of the school district and  
4 expended only for the following purposes:

5 1. To pay the cost of unemployment benefits as  
6 provided in section 96.31.

7 2. To pay the costs of liability insurance and the  
8 costs of a judgment or settlement relating to  
9 liability together with interest accruing on the  
10 judgment or settlement to the expected date of  
11 payment.

12 3. To pay the costs of insurance agreements under  
13 section 296.7.

14 4. To pay the costs of a judgment under section  
15 298.16.

16 5. To pay the cost of early retirement benefits to  
17 employees under section 279.46.

18 Sec. 108. Section 298.9, Code 1989, is amended to  
19 read as follows:

20 298.9 SPECIAL LEVIES.

21 If a schoolhouse tax the voter-approved physical  
22 plant and equipment levy is voted at a special  
23 election and certified to ~~said~~ the board after the  
24 regular levy is made, ~~it~~ the board shall at its next  
25 regular meeting levy ~~such~~ the tax and cause ~~the same~~  
26 ~~it~~ to be ~~forthwith~~ entered upon the tax list to be  
27 collected as other school taxes. If the certification  
28 is ~~so~~ filed prior to April 1, ~~said~~ the annual levy  
29 shall begin with the tax levy of the year of filing.  
30 If the certification is filed after April 1 in any a  
31 year, ~~such~~ the levy shall begin with the levy of the  
32 fiscal year succeeding the year of the filing of ~~such~~  
33 the certification.

34 Sec. 109. Section 298.10, Code 1989, is amended to  
35 read as follows:

36 298.10 LEVY FOR CASH RESERVE.

37 The board of directors of a school district may  
38 certify for levy by March 15 of a school year, a tax  
39 on all taxable property in the school district in  
40 order to raise an amount for a necessary cash reserve  
41 for a school district's general fund. The amount  
42 raised for a necessary cash reserve does not increase  
43 a school district's authorized expenditures as defined  
44 in section 442.5, subsection 2 257.7.

45 Sec. 110. Section 298.16, Code 1989, is amended to  
46 read as follows:

47 298.16 JUDGMENT TAX.

48 If the proper fund is not sufficient, then, unless  
49 its board has provided by the issuance of bonds for  
50 raising the amount necessary to pay ~~such~~ a judgment,

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1 the voters thereof shall at their regular election  
2 vote a sufficient tax for the purpose cost of the  
3 judgment shall be included in the district management  
4 levy.

5 Sec. 111. Section 301.30, unnumbered paragraph 3,  
6 Code 1989, is amended to read as follows:

7 The costs of providing textbook services to  
8 nonpublic school pupils as provided in section 301.1  
9 shall not be included in the computation of district  
10 cost under chapter 442 257, but shall be shown in the  
11 budget as an expense from miscellaneous income. Any  
12 textbook reimbursements received by a local school  
13 district for serving nonpublic school pupils shall not  
14 affect district cost limitations of chapter 442 257.  
15 The reimbursements provided in this section are  
16 miscellaneous income as defined in section 442-5  
17 257.2.

18 Sec. 112. Section 331.512, subsection 12, Code  
19 1989, is amended to read as follows:

20 12. Carry out duties relating to levy of school  
21 taxes as provided in chapter 442 257.

22 Sec. 113. Section 422.9, subsection 6, unnumbered  
23 paragraph 3, Code 1989, is amended to read as follows:

24 The provisions of this This subsection shall does  
25 not affect the amount of the taxpayer's checkoff to  
26 the Iowa election campaign fund under section 56.18,  
27 the checkoff for the fish and game protection fund in  
28 section 107.16, the credits from tax provided in  
29 sections 422.10, ~~422.11A~~, and through 422.12 and the  
30 allocation of these credits between spouses if the  
31 taxpayers filed separate returns or separately on  
32 combined returns, or the amount of the taxpayer's  
33 school district income surtax liability under section  
34 ~~442.15~~ sections 257.19, 257.21, 279.54, and 298.2 as  
35 these items were properly computed or claimed on  
36 taxpayers' returns.

37 Sec. 114. Section 442.2, subsection 1, unnumbered  
38 paragraph 3, Code 1989, is amended to read as follows:

39 For purposes of this section, a reorganized school  
40 district is one which absorbed at least thirty percent  
41 of the enrollment of the school district affected by a  
42 reorganization or dissolved during a dissolution and  
43 in which reorganization or dissolution was approved in  
44 an election pursuant to sections 275.18 and 275.20 or  
45 section 275.55 prior to July 1, 1989, and the  
46 reorganization or dissolution takes effect on or after  
47 July 1, 1988.

48 Sec. 115. Section 442.2, Code 1989, is amended by  
49 adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. The reduced property tax

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1 rates of those reorganized districts that met the  
2 requirements of this section shall continue to  
3 increase as provided in this section until they reach  
4 five dollars and forty cents.

5 Sec. 116. Section 442.9, subsection 1, paragraph  
6 a, unnumbered paragraph 1, Code 1989, is amended to  
7 read as follows:

8 As used in this chapter, regular program district  
9 cost per pupil for the budget year is equal to the  
10 regular program district cost per pupil for the base  
11 year plus the allowable growth. However, regular  
12 program district cost per pupil does not include  
13 additional allowable growth added ~~for programs for~~  
14 ~~gifted and talented children~~, for programs for  
15 returning dropouts, and for educational improvement  
16 projects under chapter 260A, for special education  
17 support services costs, or for school districts that  
18 have a negative balance of funds raised for special  
19 education instruction programs under section 442.13,  
20 subsection 14, paragraph "b", and does not include  
21 additional allowable growth established by the school  
22 budget review committee for a single school year only.

23 Sec. 117. Section 442.9A, unnumbered paragraph 4,  
24 Code 1989, is amended to read as follows:

25 For purposes of this section, a reorganized school  
26 district is one in which reorganization was approved  
27 in an election pursuant to sections 275.18 and 275.20  
28 prior to July 1, 1989, and will take effect on or  
29 after July 1, 1986.

30 Sec. 118. Section 442.39, subsection 4, unnumbered  
31 paragraph 1, Code 1989, is amended to read as follows:

32 Pupils enrolled in a school district in which one  
33 or more administrators are employed jointly under  
34 section 280.15, or in which one or more administrators  
35 are employed under section 273.7A, are assigned a  
36 weighting of one plus five hundredths twenty-five  
37 thousandths for each administrator who is jointly  
38 employed times the percent of the administrator's time  
39 in which the administrator is employed in the school  
40 district. However, the total additional weighting  
41 assigned under this subsection for a budget year for a  
42 school district is fifteen seven and one-half and the  
43 total additional weighting that may be added  
44 cumulatively to the enrollment of school districts  
45 sharing an administrator is twenty-five twelve and  
46 one-half. Additional weighting assigned under this  
47 subsection between July 1, 1988, and June 30, 1989,  
48 may be continued under this subsection for a maximum  
49 of five years.

50 Sec. 119. Section 613A.7, Code 1989, is amended to

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1 read as follows:

2 613A.7 INSURANCE.

3 The governing body of ~~any a~~ municipality may  
4 purchase a policy of liability insurance insuring  
5 against all or any part of liability which might be  
6 incurred by ~~such the~~ municipality or its officers,  
7 employees, and agents under the provisions of section  
8 613A.2 and section 613A.8 and may similarly purchase  
9 insurance covering torts specified in section 613A.4.  
10 The governing body of ~~any a~~ municipality may adopt a  
11 self-insurance program, including but not limited to  
12 the investigation and defense of claims, the  
13 establishment of a reserve fund for claims, the  
14 payment of claims, and the administration and  
15 management of the self-insurance program, to cover all  
16 or any part of the liability. The governing body of  
17 ~~any a~~ municipality may join and pay funds into a local  
18 government risk pool to protect itself against any or  
19 all liability. The governing body of ~~any a~~  
20 municipality may enter into insurance agreements  
21 obligating the municipality to make payments beyond  
22 its current budget year to provide or procure such  
23 policies of insurance, self-insurance program, or  
24 local government risk pool. The premium costs of ~~such~~  
25 ~~the~~ insurance, the costs of ~~such a~~ self-insurance  
26 program, the costs of a local government risk pool,  
27 and the amounts payable under any such insurance  
28 agreements may be paid out of the general fund or any  
29 available funds or may be levied in excess of any tax  
30 limitation imposed by statute. However, for school  
31 districts, the costs shall be included in the district  
32 management levy as provided in section 296.7. Any  
33 independent or autonomous board or commission in the  
34 municipality having authority to disburse funds for a  
35 particular municipal function without approval of the  
36 governing body may similarly enter into insurance  
37 agreements, procure liability insurance, adopt a self-  
38 insurance program, or join a local government risk  
39 pool within the field of its operation. The  
40 procurement of such insurance constitutes a waiver of  
41 the defense of governmental immunity as to those  
42 exceptions listed in section 613A.4 to the extent  
43 stated in ~~such the~~ policy but shall have no further  
44 effect on the liability of the municipality beyond the  
45 scope of this chapter, but if a municipality adopts a  
46 self-insurance program or joins and pays funds into a  
47 local government risk pool such action does not  
48 constitute a waiver of the defense of governmental  
49 immunity as to the exceptions listed in section  
50 613A.4. The existence of any insurance which covers

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1 in whole or in part any judgment or award which may be  
2 rendered in favor of the plaintiff, or lack of any  
3 such insurance, shall not be material in the trial of  
4 any action brought against the governing body of any a  
5 municipality, or its officers, employees, or agents  
6 and any reference to such insurance, or lack of ~~same~~  
7 insurance, shall be is grounds for a mistrial. A  
8 self-insurance program or local government risk pool  
9 is not insurance and is not subject to regulation  
10 under chapters 505 through 523C.

11 Sec. 120. Section 613A.10, Code 1989, is amended  
12 to read as follows:

## 13 613A.10 TAX TO PAY JUDGMENT OR SETTLEMENT.

14 When a final judgment is entered against or a  
15 settlement is made by a municipality for a claim  
16 within the scope of section 613A.2 or 613A.8, payment  
17 shall be made and the same remedies ~~shall~~ apply in the  
18 case of nonpayment as in the case of other judgments  
19 against the municipality. ~~If said a~~ judgment or  
20 settlement is unpaid at the time of the adoption of  
21 the annual budget, ~~it the~~ municipality shall budget an  
22 amount sufficient to pay the judgment or settlement  
23 together with interest accruing ~~thereon on~~ it to the  
24 expected date of payment. ~~Such A~~ tax may be levied in  
25 excess of any limitation imposed by statute. However,  
26 for school districts the costs of a judgment or  
27 settlement under this section shall be included in the  
28 district management levy pursuant to section 298.4.

29 Sec. 121. If the electors of a school district  
30 have approved, prior to March 15, 1991, the  
31 schoolhouse tax levy to provide for the lease-purchase  
32 of school buildings or other authorized school  
33 district tax levy, the tax levy so approved shall  
34 continue in effect until the expiration period for  
35 which it was approved.

36 Sec. 122. Notwithstanding the effective date of  
37 1989 Iowa Acts, Senate File 38, section 6, that  
38 section which amends section 294A.16, unnumbered  
39 paragraph 4, Code 1989, takes effect upon the  
40 enactment of this Act and applies to moneys received  
41 by a school district or area education agency for an  
42 approved phase III plan for the school year beginning  
43 July 1, 1988.

44 Sec. 123. INCOME WEALTH DATA. The department of  
45 revenue and finance is directed to collect data on the  
46 income wealth and other nonproperty wealth of Iowa  
47 taxpayers by school district. The information shall  
48 include income wealth per student by school district  
49 and shall compile the information on a statewide  
50 basis. The department of revenue and finance shall

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1 report the results of its data collection to the  
2 general assembly meeting in 1991.

3 **Sec. 124. FUNDS FOR NEW EDUCATIONAL STANDARDS.**

4 There is appropriated from the general fund of the  
5 state for the fiscal year commencing July 1, 1990, and  
6 ending June 30, 1991, to the department of education  
7 for allocation to school districts for the costs of  
8 implementing educational standards adopted by the  
9 state board of education under section 256.11, the sum  
10 of sixteen million nine hundred thousand dollars, or  
11 so much thereof as is necessary, to be allocated to  
12 school districts based upon each school district's  
13 budget enrollment for the budget year. From the  
14 moneys appropriated in this section, ten million  
15 dollars shall be allocated for programs for gifted and  
16 talented pupils. Moneys received by school districts  
17 under this section are miscellaneous income for pur-  
18 poses of chapter 442. Payments under this section  
19 shall be made in the manner provided in section  
20 442.26.

21 **Sec. 125.** Notwithstanding the election  
22 requirements of section 442.14, subsection 2, if the  
23 board of directors of a school district held an  
24 election prior to February 15, 1989, for approval to  
25 raise an additional enrichment amount for the school  
26 year beginning July 1, 1990, and the proposition  
27 failed, the board may resubmit the proposition at an  
28 election held not later than July 1, 1989.

29 **Sec. 126.** The legislative council shall establish  
30 an interim study committee to review the property  
31 taxes paid in this state and to recommend a proposal  
32 that will reduce property taxes commencing July 1,  
33 1991, by approximately thirty million dollars on a  
34 statewide basis. The study committee shall present  
35 its recommendations to the legislative council not  
36 later than December 1, 1989.

37 **Sec. 127.** Chapter 260A, Code 1989, is repealed  
38 effective July 1, 1991.

39 **Sec. 128.** Chapter 257, Code 2001, is repealed July  
40 1, 2001.

41 **Sec. 129.** Sections 442.31 through 442.36, Code  
42 1989, are repealed effective July 1, 1990.

43 **Sec. 130.** Sections 279.43, 294A.11, 294A.24,  
44 297.5, and 298.17, Code 1989, are repealed effective  
45 July 1, 1991.

46 **Sec. 131.** Section 280.13A, Code 1991, is repealed  
47 effective July 1, 1992.

48 **Sec. 132.** Sections 114, 115, 117, 118, 122, 125,  
49 and 126 of this Act, being deemed of immediate  
50 importance, take effect upon enactment.

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- 1 Sec. 133. Sections 58 and 123 of this Act take  
2 effect July 1, 1989.
- 3 Sec. 134. Sections 69, 116, and 124 of this Act  
4 take effect July 1, 1990.
- 5 Sec. 135. Sections 1 through 41, 48 through 50,  
6 53, 55, 57, 62, 66, 68, 70 through 77, 82, 94, 101,  
7 105 through 107, 110, 112, and 119 through 121 of this  
8 Act take effect July 1, 1990, for the purpose of  
9 computations required for payment of state aid to and  
10 levying of property taxes by school districts for the  
11 budget year beginning July 1, 1991.
- 12 Sec. 136. Sections 42 through 47, 51, 52, 54, 56,  
13 59 through 61, 63 through 65, 67, 78 through 81, 83  
14 through 93, 95 through 100, 102 through 104, 108, 109,  
15 111, and 113 of this Act take effect July 1, 1991."

The motion lost and the House refused to concur in the Senate amendment H—3842.

**IMMEDIATE MESSAGE**

(House file 535)

Arnould of Scott asked and received unanimous consent that House File 535 be immediately messaged to the Senate.

**Senate File 52**, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools, with report of committee recommending amendment and passage was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3740 filed by the committee on education and moved its adoption:

H—3740

- 1 Amend Senate File 52, as amended, passed, and re-  
2 printed by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word  
4 "if" the following: "it is reasonable and necessary  
5 under the circumstances and is not designed or  
6 intended to cause pain or if".
- 7 2. Title page, line 1, by striking the words  
8 "approved or".

The committee amendment H—3740 was adopted.

Corbett of Linn offered the following amendment H—3749 filed by him:

H—3749

- 1 Amend Senate File 52, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, by inserting after the word
- 4 "intentional" the following: "mental or".

Wise of Lee rose on a point of order that amendment H—3749 was not germane.

The Speaker ruled the point not well taken and amendment H—3749 germane.

On motion by Corbett of Linn, amendment H—3749 lost.

Maulsby of Calhoun offered the following amendment H—3857 filed by him and moved its adoption:

H—3857

- 1 Amend Senate File 52, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 7, by striking the words "contact
- 4 with the body" and inserting the following: "re-
- 5 straint".

Amendment H—3857 lost.

The following amendments were withdrawn by unanimous consent:

H—3560 filed by Wise of Lee on March 23, 1989.

H—3603 filed by Spenner of Henry on March 27, 1989.

H—3691 filed by Daggett of Adams on March 29, 1989.

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?" (S.F. 52)

The ayes were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Connolly	Connors	Corbett	Diemer
Doderer	Dvorsky	Fogarty	Fuller
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Knapp
Lundby	Lykam	May	McKinney
Mertz	Neuhauser	Nielsen	Ollie

Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Svoboda	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker Avenson

The nays were, 27:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Daggett	Eddie
Garman	Gruhn	Hanson, D. R.	Kistler
Koenigs	Kremer	Lageschulte	Maulsby
Metcalf	Miller	Osterberg	Pellett
Petersen, D. F.	Plasier	Poncy	Renken
Royer	Tyrrell	Van Maanen	

Absent or not voting, 9:

De Groot	Fey	Hermann	Hibbard
McKean	Muhlbauer	Sherzan	Stromer
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 725 WITHDRAWN

Chapman of Linn asked and received unanimous consent to withdraw House File 725 from further consideration by the House.

#### HOUSE FILES 576 AND 648 WITHDRAWN

Arnould of Scott asked and received unanimous consent to withdraw House Files 576 and 648 from further consideration by the House.

On motion by Arnould of Scott, the House was recessed at 1:25 p.m., until 3:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Buhr of Polk in the chair.

#### INTRODUCTION OF BILL

**House File 760**, by committee on appropriations, a bill for an act relating to the establishment of a health care insurance plan, a health care insurance pool, and a study of health care insurance, providing an appropriation, and providing an effective date.

Read first time and placed on the **appropriations calendar**.

REFERRED TO COMMITTEE ON APPROPRIATIONS  
(House File 536)

The Speaker announced that House File 536, presently on the **regular calendar**, was referred to the committee on **appropriations**.

PRESENTATION OF VISITORS

Halvorson of Webster presented to the House Mechtild Oenning, a member of the City Council of Borken, West Germany, who was accompanied by Dr. Herb Jonas.

Royer of Page presented to the House Beatrice (Bea) Leong, an AFS student from Malaysia, attending Clarinda High School.

The Speaker announced that the following visitors were present in the House chamber:

Forty-three fifth grade students from Webster Elementary School, Oskaloosa, accompanied by Richard Hamilton and Marilee DeCook. By Van Maanen of Mahaska.

Fifty fifth grade students from Grand Elementary School, Oskaloosa, accompanied by Margaret Mattix. By Van Maanen of Mahaska.

Twelve Boy Scouts from Janesville. By Lageschulte of Bremer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 373 Education**

To nullify administrative rules of the Iowa department of public health relating to the educational qualifications of nursing educators and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

**Senate File 393**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 419**

Energy and Environmental Protection: Johnson, Chair; Adams, Banks, Bisignano, Hatch, Lundby, McKean and Rosenberg.

**Senate File 424**

Judiciary and Law Enforcement: Rosenberg, Chair; Brammer and Clark.

**Senate File 434**

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton and Jay.

**Senate File 471**

Judiciary and Law Enforcement: Knapp, Chair; Harbor and Sherzan.

**Senate File 472**

Education: Cohoon, Chair; Adams and Corbett.

**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 479**, a bill for an act directing the Code editor to transfer various chapters and sections of the Code relating to the authority to regulate drainage to a new chapter.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 485**, a bill for an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 497**, a bill for an act relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Committee Resolution** (Formerly House Study Bill 368), a concurrent resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 1989.

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House File 164), relating to the establishment of a health care insurance plan and a health care insurance pool, requiring employers participating in state grant programs to provide subsidized health care, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 6, 1989.

COMMITTEE ON EDUCATION

**Senate File 323**, a bill for an act permitting the use of telecommunications in grades nine through twelve to provide courses that are required by the state's minimum educational standards and also are postsecondary prerequisites.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3908** April 6, 1989.

**Senate File 449**, a bill for an act relating to vocational education and requesting a study.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3910** April 6, 1989.

**Senate File 450**, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3909** April 6, 1989.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 24**, a bill for an act relating to the expansion of the suspension period of certain provisions of the federal Resource Conservation and Recovery Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3916** April 6, 1989.

**Senate File 83**, a bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 437**, a bill for an act relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3921** April 6, 1989.

**Senate File 470**, a bill for an act relating to waste minimization and disposal.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3911** April 6, 1989.

**Senate File 490**, a bill for an act relating to the sale, lease, rental, or advertising of water treatment systems.

Fiscal Note is not required.

**Recommended Do Pass April 6, 1989.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate File 111**, a bill for an act relating to foreign money judgments and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3914 April 6, 1989.**

**Senate File 315**, a bill for an act relating to the delivery of controlled substances, and providing a penalty.

Fiscal Note is not required.

**Recommended Do Pass April 6, 1989.**

**Senate File 343**, a bill for an act relating to recovery of merchandise or damages and providing for civil penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3912 April 6, 1989.**

**Senate File 406**, a bill for an act relating to retention of a court reporter by a newly appointed judge.

Fiscal Note is not required.

**Recommended Do Pass April 6, 1989.**

**Senate File 416**, a bill for an act relating to the identification of persons engaged in private investigation and private security businesses.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3915 April 6, 1989.**

**Senate File 426**, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3913 April 6, 1989.**

**Senate File 459**, a bill for an act relating to payment of a senior judge's medical insurance premium and annuity.

Fiscal Note is not required.

**Recommended Do Pass April 6, 1989.**

**Senate File 498**, a bill for an act relating to the appointment, terms, retention, and qualifications of magistrates, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3927 April 6, 1989.**

**Senate File 503**, a bill for an act relating to alimony.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3925** April 6, 1989.

**Senate File 508**, a bill for an act relating to common liens on real or personal property and providing a remedy.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3926** April 6, 1989.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 346**, a bill for an act relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 444**, a bill for an act relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 318**, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 371**, a bill for an act relating to elections and election procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3907** April 6, 1989.

**Senate File 407**, a bill for an act relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3906** April 6, 1989.

**Senate File 482**, a bill for an act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

#### COMMITTEE ON TRANSPORTATION

**Senate File 256**, a bill for an act relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 295**, a bill for an act relating to school bus driver education requirements.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 86**, a bill for an act relating to the authority of a city to levy a tax for the support of municipal bands and other musical groups and support of certain tax exempt artistic and cultural organizations.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 154**, a bill for an act relating to the state's cigarette and tobacco products tax; fuel tax; withholding tax; corporate and personal income tax; sales, services and use tax; franchise tax; hotel and motel tax; property tax exemptions; and inheritance and estate taxes; and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Senate File 167**, a bill for an act specifying that under certain circumstances a city is not contiguous to another for purposes of a local option sales and services tax.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 1989.

**Committee Bill** (Formerly House File 450), eliminating refunds from excise taxes on egg sales.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 1989.

**Committee Bill** (Formerly House File 500), permitting forfeiture of the penal bond when a class "E" liquor licensee violates the bootlegging law; permitting claims against penal bonds for failure or refusal to pay an alcoholic beverage control tax when due, establishing an administrative appeals process for disputed tax assessments, permitting the administrator to compromise disputed tax assessments, and permitting imposition of civil penalties on wholesalers for violations of law and administrative rules; and relating to coupons or rebates as incentives to purchase wine.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 1989.

### RESOLUTION FILED

**HCR 10**, by committee on agriculture, a concurrent resolution to urge and petition the congress of the United States, the president of the United States, the federal trade commission, the packers and stockyards administration of the United States department of agriculture, and the attorney general of the United States to take initiatives to prevent the monopolization of the meat packing industry.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3906	S.F.	407	Committee on State Government
H-3907	S.F.	371	Committee on State Government
H-3908	S.F.	323	Committee on Education
H-3909	S.F.	450	Committee on Education
H-3910	S.F.	449	Committee on Education
H-3911	S.F.	470	Committee on Energy and Environmental Protection
H-3912	S.F.	343	Committee on Judiciary and Law Enforcement
H-3913	S.F.	426	Committee on Judiciary and Law Enforcement
H-3914	S.F.	111	Committee on Judiciary and Law Enforcement
H-3915	S.F.	416	Committee on Judiciary and Law Enforcement
H-3916	S.F.	24	Committee on Energy and Environmental Protection
H-3917	H.F.	436	Svoboda of Tama
H-3918	H.F.	436	Svoboda of Tama
H-3919	H.F.	436	Svoboda of Tama
H-3920	S.F.	375	Petersen of Muscatine
H-3921	S.F.	437	Committee on Energy and Environmental Protection
H-3922	S.F.	472	Spear of Lee
H-3923	S.F.	363	Shoultz of Black Hawk
H-3924	H.F.	209	Lundby of Linn

H-3925	S.F.	503	Committee on Judiciary and Law Enforcement
H-3926	S.F.	508	Committee on Judiciary and Law Enforcement
H-3927	S.F.	498	Committee on Judiciary and Law Enforcement
H-3928	S.F.	14	Schnekloth of Scott Bisignano of Polk
H-3929	S.F.	14	Bisignano of Polk
H-3930	S.F.	488	Petersen of Muscatine
H-3931	S.F.	149	Neuhauser of Johnson Corbett of Linn
H-3932	H.F.	209	Lundby of Linn

On motion by Arnould of Scott, the House adjourned at 3:25 p.m., until 10:00 a.m., Monday, April 10, 1989.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 10, 1989

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 Friday, April 7, 1989 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hibbard of Madison on request of Jesse of Jasper; Stueland of Clinton on request of Eddie of Buena Vista; Black of Jasper on request of Fogarty of Palo Alto and Jay of Appanoose on request of Hansen of Woodbury, both until their arrival.

## INTRODUCTION OF BILL

**House File 761**, by Swartz, a bill for an act relating to the extraordinary property tax credit and reimbursement for certain elderly and disabled individuals with respect to their homestead and providing effective and applicability dates.

Read first time and referred to committee on **ways and means**.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 169**, a bill for an act relating to the rate filing requirements of common carriers, 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. 169)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Jesse
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Fey	Hibbard	Jay
Jochum	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 155**, a bill for an act relating to the availability of counseling services to children who are members of a household where an incident involving domestic abuse has occurred, with report of committee recommending passage was taken up for consideration.

Brammer of Linn offered amendment H—3310 filed by him and requested division as follows:

H—3310

- 1 Amend Senate File 155 as passed by the Senate as
- 2 follows:

H—3310A

- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 232.22, subsection 2, paragraph
- 6 c, unnumbered paragraph 1, Code 1989, is amended to
- 7 read as follows:
- 8 A room in a facility intended or used for the
- 9 detention of adults if there is probable cause to
- 10 believe that the child has committed a delinquent act
- 11 which if committed by an adult would be a felony, or
- 12 aggravated misdemeanor under section 708.2 or 709.11,

H-3310A

13 a serious or aggravated misdemeanor under section  
14 321J.2, an act of domestic abuse as defined in section  
15 236.2, or a violation of section 123.46, and if all of  
16 the following apply:"

H-3310B

17 2. Page 1, by inserting after line 14 the  
18 following:  
19 "Sec. \_\_\_\_\_. NEW SECTION. 236.19 LAW ENFORCEMENT  
20 PROCEDURES AND TRAINING.  
21 1. The department of public safety shall develop a  
22 policies and procedures manual for peace officers  
23 concerning the enforcement of this chapter. The  
24 manual shall be made available and distributed to all  
25 local law enforcement agencies by the department. The  
26 manual shall include, but not be limited to,  
27 information concerning the following:  
28 a. The procedures and responsibilities set forth  
29 in this chapter relating to verification of, response  
30 to, and enforcement of a court order or court-approved  
31 consent agreement entered under this chapter, a  
32 temporary or permanent protective order or order to  
33 vacate the homestead under chapter 598, or any order  
34 that establishes conditions of release or is a  
35 protective order or sentencing order in a criminal  
36 prosecution arising from a domestic abuse assault,  
37 including an emphasis on the mandatory arrest  
38 provision of section 236.11.  
39 b. The legal duties imposed on a peace officer to  
40 offer protection and assistance, including guidelines  
41 for making arrests.  
42 c. Techniques for handling domestic violence  
43 incidents that minimize the likelihood of injury to  
44 the peace officer and that promote the safety of the  
45 victim.  
46 d. The nature and extent of domestic violence.  
47 e. The legal rights and the remedies available to  
48 victims of domestic violence.  
49 f. The impact of law enforcement intervention on  
50 children in domestic violence situations.

**Page 2**

1 g. The services and facilities available to  
2 victims of abuse, including the victim's compensation  
3 program, emergency shelters, and legal advocacy  
4 programs.  
5 2. The Iowa law enforcement academy shall  
6 implement a course or courses of instruction for the  
7 training of peace officers in the handling of domestic

H-3310B

8 violence complaints and situations. The course or  
9 courses of instruction shall include those topics  
10 contained in the department of public safety's policy  
11 and procedure manual and shall stress enforcement of  
12 criminal laws in domestic violence situations,  
13 availability of civil remedies and community  
14 resources, and protection of the victim. The course  
15 or courses of instruction shall include at least eight  
16 hours of instruction.

17 3. The prosecuting attorneys training coordination  
18 council shall develop a procedures manual for  
19 distribution to prosecuting attorneys concerning the  
20 enforcement and prosecution of individuals charged  
21 with committing an act of domestic abuse, or who are  
22 in violation of any order or court-approved consent  
23 agreement entered under this chapter."

H-3310C

24 3. Title page, line 3, by inserting after the  
25 word "occurred" the following: "providing for the  
26 detention of juveniles who commit an act of domestic  
27 abuse, providing for training of peace officers, and  
28 relating to the enforcement of the domestic abuse  
29 law".

30 4. Renumber as necessary.

Halvorson of Clayton rose on a point of order that amendment H-3310A was not germane.

The Speaker ruled the point well taken and amendment H-3310A not germane.

Brammer of Linn asked and received unanimous consent to withdraw amendment H-3310B, placing the following amendments out of order:

H-3310C.

H-3321 and H-3659 filed by Svoboda of Tama on March 9 and March 28, 1989 respectively.

Brammer of Linn asked and received unanimous consent to withdraw amendments H-3271 and H-3316, filed by him on March 1 and March 8, 1989 respectively.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 155)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	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	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 3:

Branstad	Kremer	Royer
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Absent or not voting, 9:

Blanshan	Diemer	Fey	Hibbard
Jay	Maulsby	Stueland	Tabor
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Chapman of Linn in the chair at 10:45 a.m.

**Senate File 117**, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare, with report of committee recommending amendment and passage was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3320 filed by the committee on human resources and moved its adoption:

H—3320

- 1 Amend Senate File 117, as passed by the Senate, as
- 2 follows:

- 3 1. Page 1, line 31, by striking the words
- 4 "chapter, for" and inserting the following: "chapter,
- 5 the department shall consider".
- 6 2. Page 1, by striking line 34 through page 2,
- 7 line 2 and inserting the following: "spouse on or
- 8 after July 1, 1989, as provided under the federal
- 9 Social Security Act, section 1917(c), as codified in
- 10 42 U.S.C. § 1396p(c), as amended."
- 11 3. Page 2, line 5, by inserting after the word
- 12 "or" the following: "a resident who".
- 13 4. Page 2, by striking line 6 and inserting the
- 14 following: "qualified Medicare beneficiary as defined
- 15 under".

The committee amendment H—3320 was adopted.

Shoning of Woodbury offered the following amendment H—3515 filed by him and Spenner of Henry and moved its adoption:

H—3515

- 1 Amend Senate File 117 as passed by the Senate as
- 2 follows:
- 3 1. Page 2, by inserting after line 8 the
- 4 following:
- 5 "NEW SUBSECTION. 9. Effective October 1, 1989, in
- 6 determining the eligibility of an individual for
- 7 assistance under this chapter, the department shall
- 8 permit the individual's spouse to retain up to forty
- 9 thousand dollars as exempt resources in accordance
- 10 with the federal Social Security Act, section
- 11 1924(f)."
- 12 2. By renumbering as necessary.

Amendment H—3515 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?" (S.F. 117)

The ayes were, 89:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper

Haverland	Hermann	Hester	Holveck
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Chapman			
Presiding			

The nays were, none.

Absent or not voting, 11:

Blanshan	Doderer	Fey	Hammond
Hatch	Hibbard	Jay	Neuhauser
Shoultz	Stueland	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 118**, a bill for an act relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce, 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. 118)

The ayes were, 73:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Brammer	Brand
Brown	Buhr	Carpenter	Cohoon
Connolly	Connors	Corbett	Diemer
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Lageschulte	Lundby	Lykam
May	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg

Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Trent	Tyrrell	Wise
Chapman			
Presiding			

The nays were, 17:

Banks	Beaman	Bennett	Branstad
Clark	Daggett	De Groot	Eddie
Garman	Holveck	Kremer	Maulsby
McKean	Osterberg	Pellett	Plasier
Van Maanen			

Absent or not voting, 10:

Blanshan	Doderer	Fey	Hatch
Hibbard	Jay	Neuhauser	Shultz
Stueland	Teaford		

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 11:13 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 10, 1989, insisted on its amendment to House File 535, a bill for an act relating to the financing of education programs of school districts and area education agencies including the establishment of a school foundation formula, the provision of property tax levies, allocation of educational excellence program moneys, provision for payment of programs for certain at-risk children, making appropriations, and providing effective dates, and the members of the conference committee, on the part of the Senate are: The Senator from Fayette, Senator Murphy, Chair; the Senator from Marion, Senator Dieleman; the Senator from Linn, Senator Horn; the Senator from Black Hawk, Senator Corning; and the Senator from Montgomery, Senator Hultman.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED (House File 535)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 535: Ollie of Clinton, Chair; Chapman of Linn, Daggett of Adams, Stromer of Hancock and Wise of Lee.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**Senate File 130**, a bill for an act relating to the establishment and operation of point-of-sale and automatic teller machine terminals and providing an effective date, 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?" (S.F. 130)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jesse	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Connors	Hibbard	Jay	Jochum
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 260**, a bill for an act eliminating the ability of utilities division staff to file a complaint with the utilities board alleging that a utility's rates are excessive following an investigation by division staff, a special audit, continuous review of operations, or review of annual reports, with report of committee recommending passage 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. 260)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Hatch	Haverland
Hermann	Hester	Holveck	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Connors	Harper	Hibbard	Jay
Jesse	Jochum	Plasier	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 223**, a bill for an act relating to early childhood programs, with report of committee recommending amendment and passage was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—3741 filed by the committee on education:

H—3741

1 Amend Senate File 223, 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. STATEMENT OF GOALS. It is the goal of  
6 the general assembly to ensure that early childhood  
7 educational opportunities are available to meet the  
8 needs of all children in this state. A coordinated  
9 early childhood education delivery system is  
10 established to meet this goal. This coordinated  
11 system will involve the participation of parents,  
12 communities, school districts, and other government  
13 agencies and will allow each school district to adopt  
14 the program which is best suited to the needs of the  
15 community. Only appropriately certified or licensed  
16 personnel will staff these programs. These programs  
17 will use both local and state resources and expertise.  
18 Suitable instructional materials, curricula, and staff  
19 should be made available to meet the needs of children  
20 with developmental deficiencies and those with special  
21 needs, in addition to those needed to fulfill the  
22 needs of all children and families of the community.

23 Sec. 2. Section 234.6, Code 1989, is amended by  
24 adding the following new subsections:

25 NEW SUBSECTION. 8. Provide consulting and  
26 technical services to the director of the department  
27 of education, or the director's designee, upon  
28 request, relating to kindergarten, and before and  
29 after school programming and facilities.

30 NEW SUBSECTION. 9. Recommend rules for their  
31 adoption by the council of human services for before  
32 and after school child care programs, conducted within  
33 and by or contracted for by school districts, that are  
34 appropriate for the ages of the children who receive  
35 services under the programs.

36 Sec. 3. Section 237A.1, subsection 7, paragraph a,  
37 Code 1989, is amended to read as follows:

38 a. An instructional program administered by a  
39 public or nonpublic school system ~~approved or~~  
40 accredited by the department of education or the state  
41 board of regents, except a before or after school  
42 program provided under section 279.49.

43 Sec. 4. Section 237A.22, Code 1989, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 4. Advise and provide technical  
46 services to the director of the department of  
47 education or the director's designee, upon request,

48 relating to kindergarten, and before and after school  
49 programming and facilities.  
50 Sec. 5. Section 256.7, Code 1989, is amended by

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1 adding the following new subsections:

2 NEW SUBSECTION. 13. By July 1, 1990, adopt rules  
3 establishing early childhood and early elementary  
4 certification or endorsement standards for teachers,  
5 elementary school principals, licensed child care  
6 providers, and administrators who work with children  
7 from birth through eight years of age.

8 NEW SUBSECTION. 14. Prescribe guidelines for  
9 facility standards, maximum class sizes, and maximum  
10 in classroom pupil-teacher and teacher-aide ratios for  
11 grades kindergarten through three and before and after  
12 school and summer child care programs provided under  
13 the direction of a school district. Guidelines for  
14 programs shall include the definition of "at-risk  
15 children" adopted by the child development  
16 coordinating council and shall not be less stringent  
17 than the guidelines established by that council for  
18 comprehensive early child development services for at-  
19 risk children.

20 Sec. 6. Section 256.9, Code 1989, is amended by  
21 adding the following new subsections:

22 NEW SUBSECTION. 35. Develop standards and  
23 instructional materials to do all of the following:

24 a. Assist school districts in developing  
25 appropriate before and after school programs for  
26 elementary school children.

27 b. Assist school districts in the development of  
28 child care services and programs to complement half-  
29 day and all-day kindergarten programs.

30 c. Assist school districts in the development of  
31 appropriate curricula for all-day, everyday  
32 kindergarten programs.

33 d. Assist school districts in the development of  
34 appropriate curricula for the early elementary grades  
35 one through three.

36 Standards and materials developed shall include  
37 materials which employ developmentally appropriate  
38 practices and incorporate substantial parental  
39 involvement. The materials and standards shall  
40 include alternative teaching approaches including  
41 collaborative teaching and alternative dispute  
42 resolution training. The department shall consult  
43 with the child development coordinating council, the  
44 state day care advisory committee, the department of  
45 human services, the state board of regents center for  
46 early developmental education, the area education

47 agencies, the department of child development in the  
48 college of family and consumer sciences at Iowa state  
49 university of science and technology, the early  
50 childhood elementary division of the college of

**Page 3**

1 education at the university of Iowa, and the college  
2 of education at the university of northern Iowa, in  
3 developing these standards and materials.

4 For purposes of this section "substantial parental  
5 involvement" means the physical presence of parents in  
6 the classroom, learning experiences designed to  
7 enhance the skills of parents in parenting and in  
8 providing for their children's learning and  
9 development, or educational materials which may be  
10 borrowed for home use.

11 NEW SUBSECTION. 36. By July 1, 1990, develop or  
12 direct the area education agencies to develop, a  
13 statewide technical assistance support network to  
14 provide school districts, or district subcontractors  
15 under section 279.49, with assistance in creating  
16 developmentally appropriate programs under section  
17 279.49.

18 NEW SUBSECTION. 37. Administer and approve grants  
19 to school districts which provide innovative in-school  
20 programming for at-risk children in grades  
21 kindergarten through three, in addition to regular  
22 school curricula for children participating in the  
23 program, with the funds for the grants being  
24 appropriated for at-risk children by the general  
25 assembly. Grants approved shall be for programs in  
26 schools with a high percentage of at-risk children.  
27 Preference shall be given to programs which integrate  
28 at-risk children with the rest of the school  
29 population, which agree to limit class size and pupil-  
30 teacher ratios, which include parental involvement and  
31 teachers with an early childhood endorsement, and  
32 which cooperate with other health and community  
33 agencies.

34 Sec. 7. Section 256A.2, unnumbered paragraph 2,  
35 Code 1989, is amended to read as follows:

36 Staff assistance for the council shall be provided  
37 jointly by the department of education and the  
38 division of children, youth, and families of the  
39 department of human rights. Members of the council  
40 shall be reimbursed for actual and necessary expenses  
41 incurred while engaged in their official duties and  
42 shall receive per diem compensation at the level  
43 authorized under section 7E.6.

44 Sec. 8. Section 256A.3, subsection 4, Code 1989,  
45 is amended to read as follows:

46 4. Make recommendations to the department of  
47 education and the general assembly regarding  
48 appropriate curricula and staff qualifications and  
49 training for early elementary education, and the  
50 coordination of the curricula with early child

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1 development programs, and the development of an at-  
2 risk children definition for use in school-district-  
3 sponsored early elementary and before and after school  
4 child care programs.

5 Sec. 9. Section 256A.3, subsection 5, paragraph e,  
6 Code 1989, is amended to read as follows:

7 e. The degree to which the program involves and  
8 works with the parents, and includes home visits,  
9 optional parental instruction for parents on parenting  
10 and tutoring skills, on enhancement of skills in  
11 providing for their children's learning and  
12 development, and the physical, mental, and emotional  
13 development of children, and experiential education.

14 Sec. 10. Section 279.49, Code 1989, is amended by  
15 striking the section and inserting in lieu thereof the  
16 following:

17 279.49 ALL-DAY, EVERYDAY KINDERGARTEN OR CHILD DAY  
18 CARE PROGRAMS.

19 The board of directors of a school corporation may  
20 operate or contract for the operation of a program to  
21 provide child day care to children not enrolled in  
22 school or to students enrolled in kindergarten through  
23 grade six before and after school, or to both. The  
24 person employed to be responsible for a program  
25 operated by a board shall be an appropriately  
26 certificated teacher under chapter 260 or the program  
27 operated by contract with the board shall be licensed  
28 as a child care center under chapter 237A. The board  
29 shall require the employment of adequate personnel for  
30 a program to meet the personnel standards adopted by  
31 the state board of education, pursuant to section  
32 256.7, subsections 13 and 14, or the department of  
33 human services, pursuant to section 237A.12,  
34 subsection 1.

35 If the child day care program contracted for or  
36 operated by a board also provides child day care to  
37 children under the age of six, the district shall also  
38 require the employment of certificated personnel with  
39 appropriate prekindergarten certification or  
40 endorsement in the program.

41 The board may establish a fee for the cost of  
42 participation in a before and after school program.  
43 The fee shall be established pursuant to a sliding fee  
44 schedule based upon staffing costs and other expenses

45 and a family's ability to pay. If a fee is  
46 established, the parent or guardian of a child  
47 participating in a program shall be responsible for  
48 payment of any agreed upon fee. The board may require  
49 the parent or guardian to furnish transportation of  
50 the child.

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1 The board may utilize or make application for  
2 program subsidies from any existing day care funding  
3 streams.

4 Programs established under this section for before  
5 and after school child day care shall include, but are  
6 not limited to, parental involvement in program design  
7 and direction, activities designed to detect  
8 children's physical, mental, and emotional  
9 development, and a parental education component to  
10 educate parents about the physical, mental, and  
11 emotional development of children.

12 **Sec. 11. LOCAL EARLY CHILDHOOD EDUCATION**  
13 **COMMITTEES.** The boards of the local school districts  
14 shall by October 1, 1989, assemble and supervise  
15 committees in their respective communities to review  
16 the need for all-day, everyday kindergarten, before  
17 and after school child care, and child care during  
18 school holidays and vacations. The committees shall  
19 also consider the need for additional prekindergarten  
20 programs for at-risk children. As much as is  
21 possible, the committee members shall include, but are  
22 not limited to, representatives of local businesses,  
23 service organizations, educators, parents, private  
24 child care providers, county home extension  
25 economists, area education agencies, the school board,  
26 and the community education advisory board, and  
27 persons knowledgeable about developmentally  
28 appropriate learning. The committee shall hold  
29 hearings, and solicit comments from community  
30 preschool and day care providers, and report to the  
31 state board of education by October 1, 1990, regarding  
32 the committee's recommendations on the establishment  
33 of child-care programs and curricula. A copy of the  
34 report shall also be filed with the secretary of the  
35 local school district. A summary of any oral, or  
36 copies of any written comments made by local preschool  
37 or child care providers shall be attached to the  
38 reports.

39 **Sec. 12. REVIEW AND RECOMMENDATIONS.** The child  
40 development coordinating council, established under  
41 chapter 256A, shall review existing entities providing  
42 technical assistance and program development support  
43 to early childhood programs, including, but not

44 limited to, resource and referral centers, the county  
 45 home extension service, and area education agencies.  
 46 By January 1, 1990, the council shall provide  
 47 recommendations in a report to the general assembly on  
 48 the use of existing entities and resources and the  
 49 development of additional resources to provide  
 50 assistance in program development for all types of

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1 early childhood programs, including, but not limited  
 2 to, prekindergarten programs, licensed child care  
 3 centers, registered family day care homes, and  
 4 unregistered family day care homes.  
 5 Sec. 13. Section 10 of this Act is effective  
 6 January 1, 1992.”  
 7 2. Title page, line 1, by inserting after the  
 8 word “childhood” the following: “and kindergarten”.

Swartz of Marshall offered the following amendment H—3886, to the committee amendment H—3741, filed by him and moved its adoption:

H—3886

1 Amend amendment, H—3741, to Senate File 223, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 4, line 38, by striking the words  
 5 “certificated personnel with” and inserting the  
 6 following: “a certificated person with an”.

Amendment H—3886 was adopted.

Neuhauser of Johnson offered the following amendment H—3943, to the committee amendment H—3741, filed by her from the floor and moved its adoption:

H—3943

1 Amend the amendment, H—3741, to Senate File 223, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 15, by striking the words “Only  
 5 appropriately” and inserting the following:  
 6 “Appropriately”.

Amendment H—3943 was adopted.

Swartz of Marshall offered the following amendment H—3944, to the committee amendment H—3741, filed by him from the floor and moved its adoption:

H—3944

- 1 Amend the amendment, H—3741, to Senate File 223, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 23, by inserting after the word
- 5 “educators,” the following: “head start educators,”.

Amendment H—3944 was adopted.

On motion by Neuhauser of Johnson, the committee amendment H—3741, as amended, 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?” (S.F. 223)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	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	Hermann	Hester	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 10:

Banks	Branstad	De Groot	Garman
Harbor	Knapp	Maulsby	Pellett
Renken	Van Maanen		

Absent or not voting, 3:

Hibbard	Plasier	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 231**, a bill for an act relating to the regulation of alternate operator services and making civil penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Shoning of Woodbury offered the following amendment H—3797 filed by the committee on small business and commerce and moved its adoption:

H—3797

- 1 Amend Senate File 231 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 476.75 ALTERNATIVE
- 6 OPERATOR SERVICES.
- 7 1. DEFINITIONS. As used in this section, unless
- 8 the context otherwise requires:
- 9 a. "Alternative operator services company" means a
- 10 nongovernmental company which receives more than half
- 11 of its Iowa intrastate telecommunications services
- 12 revenues from calls placed by end-user customers from
- 13 telephones other than ordinary residence or business
- 14 telephones. The definition is further limited to
- 15 include only companies which provide operator
- 16 assistance, either through live or automated
- 17 intervention, on calls placed from other than ordinary
- 18 residence or business telephones, and does not include
- 19 services provided under contract to rate-regulated
- 20 local exchange utilities.
- 21 b. "Contracting entity" means an entity providing
- 22 telephones other than ordinary residence or business
- 23 telephones for use by end-user customers which has
- 24 contracted with an alternative operator services
- 25 company to provide telecommunications services to
- 26 those telephones.
- 27 c. "End-user customer" means a person who places a
- 28 local or toll call.
- 29 d. "Other than ordinary residence or business
- 30 telephones" means telephones other than the residence
- 31 or business telephones of the customary users of the
- 32 telephones, including but not limited to pay
- 33 telephones and telephones in motel, hotel, hospital,
- 34 and college dormitory rooms.
- 35 2. JURISDICTION. Notwithstanding any finding by
- 36 the board that a service or facility is subject to
- 37 competition and should be deregulated pursuant to

38 section 476.1, all intrastate telecommunications  
 39 services provided by alternative operator services  
 40 companies to end-user customers, using other than  
 41 ordinary residence or business telephones, are subject  
 42 to the jurisdiction of the board and shall be rendered  
 43 pursuant to tariffs approved by the board.  
 44 Alternative operator services companies shall be  
 45 subject to all requirements and sanctions provided in  
 46 this chapter. Contracting entities shall be subject  
 47 to the requirements of any board regulations  
 48 concerning telecommunications services provided by  
 49 alternative operator services companies.  
 50 3. REQUIREMENTS. The board shall adopt and

**Page 2**

1 enforce requirements for the provision of services by  
 2 alternative operator services companies and  
 3 contracting entities.  
 4 4. BILLING BY LOCAL EXCHANGE UTILITIES.  
 5 Notwithstanding any finding by the board that a  
 6 service or facility is subject to competition and  
 7 should be deregulated pursuant to section 476.1, a  
 8 regulated local exchange utility shall not perform  
 9 billing and collection functions relating to regulated  
 10 telecommunications services provided by an alternative  
 11 operator services company, unless the alternative  
 12 operator services company has filed a statement with  
 13 the local exchange utility signed by a corporate  
 14 officer, or other authorized person having personal  
 15 knowledge, that all regulated telecommunications  
 16 services to be billed shall be rendered pursuant to  
 17 tariffs approved by the board.  
 18 Sec. 2. This Act, being deemed of immediate  
 19 importance, takes effect upon enactment."  
 20 2. Title page, by striking line 2 and inserting  
 21 the following: ", making civil penalties applicable,  
 22 and providing for an effective date".

The committee amendment H—3797 was adopted.

Shoning 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. 231)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman

Clark	Cohoon	Connolly	Connors
Corbett	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	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Daggett	Fey	Harper	Hibbard
Sherzan	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Buhr of Polk in the chair at 2:40 p.m.

**Senate File 224**, a bill for an act relating to student exercise of free expression in the public schools, with report of committee recommending passage was taken up for consideration.

Connolly of Dubuque offered the following amendment H—3424 filed by him and Brown of Lucas:

H—3424

- 1 Amend Senate File 224 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 280.21 STUDENT EXERCISE
- 6 OF FREE EXPRESSION.
- 7 1. Students of the public schools have the right
- 8 to exercise freedom of speech and of the press
- 9 including, but not limited to, the use of bulletin
- 10 boards, the distribution of printed materials or

11 petitions, the wearing of buttons, badges, and other  
12 insignia, the performance of theatrical and musical  
13 events, and the right of expression in official school  
14 publications, whether or not the publications, or  
15 other means of expression, are supported financially  
16 by the school or by use of school facilities.

17 2. Students shall have the right to peaceful  
18 assembly for the purpose of exchanging views and  
19 expressing their opinions. Any assembly planned by  
20 students during regular school hours shall be held  
21 only at a time and place approved in advance by the  
22 principal administrator of the school or the principal  
23 administrator's designee.

24 3. Each district board of directors may adopt  
25 rules in the form of a written publications code,  
26 which shall include reasonable provisions for the  
27 time, place, and manner of conducting such activities  
28 within its jurisdiction. The board shall make the  
29 code available to the students and their parents.

30 4. There shall be no prior restraint by school  
31 boards and administrators of material prepared for  
32 official school publications. Student editors of  
33 official school publications shall assign and edit the  
34 news, editorial, and feature content of their  
35 publications. Journalism advisers of students  
36 producing official school publications shall supervise  
37 the production of the student staff, to maintain  
38 professional standards of English and journalism, to  
39 prevent substantial disruption of school activities,  
40 and to guard against personal injury to the rights of  
41 others. A journalism advisor shall not be  
42 disciplined, fired, transferred, or removed from the  
43 journalism advisor's position for refusing to suppress  
44 free expression rights of student journalists  
45 protected under this section.

46 "Official school publications" means material  
47 produced by students in the journalism, newspaper,  
48 yearbook, or writing classes and distributed to the  
49 student body either free of charge or for a fee.

50 5. This section does not prohibit a board of

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1 directors of a public school from adopting otherwise  
2 valid rules relating to oral communications by  
3 students upon the premises of each school.

4 6. An expression made by students in the exercise  
5 of free speech, free press rights, or freedom of  
6 assembly shall not be deemed to be an expression of  
7 school policy, and school districts, boards,  
8 officials, and employees shall not be liable in any  
9 civil or criminal action for any student expression

10 made or published by students, provided that the  
 11 school officials have not interfered with the  
 12 student's decisions as to the content of the  
 13 expression.

14 7. A student, individually or through the  
 15 student's parent or guardian or the student's  
 16 publication advisor, may institute legal proceedings  
 17 for injunctive or declaratory relief to enforce the  
 18 rights provided in this section.

19 Sec. 2. Section 256.9, Code 1989, is amended by  
 20 adding the following new subsection:

21 NEW SUBSECTION. 35. Develop a model written  
 22 publications code including reasonable provisions for  
 23 the regulation of the time, place, and manner of  
 24 student expression."

Connolly of Dubuque offered the following amendment H—3523,  
 to amendment H—3424, filed by him and moved its adoption:

H—3523

1 Amend the amendment, H—3424, to Senate File 224, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 2, by striking line 12 and inserting the  
 5 following: "content of the student's".

Amendment H—3523 was adopted.

Spenner of Henry asked and received unanimous consent to with-  
 draw amendment H—3880, to amendment H—3424, filed by him on  
 April 6, 1989.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, for the remainder of the day, on request of Hester of Pot-  
 tawattamie.

Arnould of Scott asked and received unanimous consent that  
 Senate File 224 be deferred and that the bill retain its place on the  
 calendar.

(Amendment H—3424, as amended, pending.)

### MOTION TO RECONSIDER PREVAILED

(Senate File 117)

Sherzan of Polk called up for consideration the motion to recon-  
 sider Senate File 117, filed by him from the floor, and moved to recon-  
 sider the vote by which Senate File 117, a bill for an act relating to

medical assistance requirements and providing for eligibility of certain recipients of federal Medicare, passed the House and was placed on its last reading on April 10, 1989.

A non-record roll call was requested.

The ayes were 51, nays 41.

The motion prevailed and Senate File 117 was reconsidered.

(Senate File 117 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 3:38 p.m., until 5:00 p.m.

#### EVENING SESSION

The House reconvened, Connors of Polk in the chair.

#### BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 117**, a bill for an act relating to medical assistance requirements and providing for eligibility of certain recipients of federal Medicare, reconsidered and pending at recess.

Sherzan of Polk moved to reconsider the vote by which amendment H—3515, found on page 1416 of the House Journal, was adopted by the House on April 10, 1989.

A non-record roll call was requested.

The ayes were 49, nays 36.

The motion prevailed and amendment H—3515 was reconsidered.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee, for the remainder of the day, on request of Hermann of Scott.

Shoning of Woodbury moved the adoption of amendment H—3515.

Roll call was requested by Stromer of Hancock and Hermann of Scott.

Rule 75 was invoked.

On the question "Shall amendment H—3515 be adopted?"  
(S.F. 117)

The ayes were, 47:

Banks	Beaman	Bennett	Bisignano
Black	Branstad	Carpenter	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Hermann	Hester	Jesse
Kistler	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Osterberg
Pellett	Peters	Petersen, D. F.	Renken
Royer	Schneklath	Shearer	Shoning
Siegrist	Spenner	Stromer	Svoboda
Trent	Tyrrell	Van Maanen	

The nays were, 48:

Adams	Arnould	Avenson, Spkr.	Beatty
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Doderer	Dvorsky	Fey	Fuller
Groninga	Hammond	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Wise	Connors
			Presiding

Absent or not voting, 5:

Hibbard	Mertz	Miller	Plasier
Stueland			

Amendment H—3515 lost.

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?" (S.F. 117)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga

Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors Presiding

The nays were, none.

Absent or not voting, 4:

Hibbard	Miller	Plasier	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.

The House resumed consideration of **Senate File 224**, a bill for an act relating to student exercise of free expression in the public schools, and amendment H—3424, as amended, found on pages 1430 through 1432 of the House Journal, previously deferred.

Connolly of Dubuque moved the adoption of amendment H—3424, as amended.

A non-record roll call was requested.

The ayes were 31, nays 51.

Amendment H—3424, as amended, lost.

Spear of Lee offered the following amendment H—3411 filed by him:

H—3411

- 1 Amend Senate File 224, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting after line 33, the
- 4 following:
- 5 "\_\_\_\_\_. Any expression made by students in the
- 6 exercise of free speech, including student expression
- 7 in official school publications, shall not be deemed
- 8 to be an expression of school policy, and the public

9 school district and school officials shall not be  
 10 liable in any civil or criminal action for any student  
 11 expression made or published by students, unless the  
 12 school officials have interfered with or altered the  
 13 content of the student speech or expression, and then  
 14 only to the extent of the interference or alteration  
 15 of the speech or expression."  
 16 2. By renumbering as necessary.

Spear of Lee offered the following amendment H—3628, to amend-  
 ment H—3411, filed by him and moved its adoption:

H—3628

1 Amend the amendment, H—3411, to Senate File 224 as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 9, by inserting before the word  
 5 "officials" the following: "employees or".  
 6 2. Page 1, line 12, by inserting after the word  
 7 "school" the following: "employees or".

Amendment H—3628 was adopted.

On motion by Spear of Lee, amendment H—3411, as amended,  
 was adopted.

Spenner of Henry asked and received unanimous consent to with-  
 draw amendment H—3431 filed by him on March 17, 1989, placing  
 out of order the following amendments, to amendment H—3431:

H—3706 filed by Brown of Lucas on March 29, 1989.

H—3879 filed by Spenner of Henry on April 6, 1989.

Shearer of Louisa moved that the bill be read a last time now and  
 placed upon its passage which motion prevailed and the bill was read  
 a last time.

On the question "Shall the bill pass?" (S.F. 224)

The ayes were, 80:

Arnould	Avenson, Spkr.	Beatty	Bisignano
Black	Blanshan	Brand	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Cnolly	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
Hermann	Hester	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Koenigs	Kremer	Lageschulte	Lundby

Lykam	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Renaud
Rosenberg	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Connors
			Presiding

The nays were, 14:

Adams	Banks	Beaman	Bennett
Brammer	Branstad	Corbett	Daggett
Hansen, S. D.	Knapp	Pavich	Poncy
Renken	Royer		

Absent or not voting, 6:

Haverland	Hibbard	Mertz	Miller
Plasier	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 6:41 p.m.

#### MOTIONS TO RECONSIDER (Senate File 118)

I move to reconsider the vote by which Senate File 118 passed the House on April 10, 1989.

RENAUD of Polk

(Senate File 118)

I move to reconsider the vote by which Senate File 118 passed the House on April 10, 1989.

HALVORSON of Webster

(Senate File 224)

I move to reconsider the vote by which Senate File 224 passed the House on April 10, 1989.

CONNOLLY of Dubuque

(Senate File 224)

I move to reconsider the vote by which Senate File 224 passed the House on April 10, 1989.

SHEARER of Louisa

### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Friday, April 7, 1989. Had I been present, I would have voted "aye" on Senate File 52.

DE GROOT of Lyon

### REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, 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>
Caucus Staff Director	Paulee Lipsman	34-5	P-FT	04-14-89

TEAFORD of Black Hawk, Chair

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-one fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Joan Strentz. By Carpenter of Polk.

Twenty sixth grade students from Meservey-Thornton Elementary School, Thornton, accompanied by Alice Heitland. By May of Worth.

Thirty-two students from Lenox Community High School, Lenox, accompanied by Karl Peterson and Kevin Johnson. By Daggett of Adams.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### AUDITOR OF STATE

The Audit Report of the Lottery Division, Iowa Department of Revenue and Finance, June 30, 1988, pursuant to Chapter 11.4, Code of Iowa.

## CERTIFICATES OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**JOSEPH O'HERN**

Chief Clerk of the House

- |         |  |
|---------|--|
| 1989-52 | Dean Christiansen, Coach, Albert City-Truesdale Community School — For being named the Iowa Basketball Coaches Association Coach of the Year, District I, Class A. |
| 1989-53 | Kevin Eugene Hicks, Danville — For the honor of being elevated to the rank of Eagle Scout in The Boy Scouts of America.  |
| 1989-54 | Jim Kropa, Mount Pleasant — For All State Speech honors.   |
| 1989-55 | Krista Spenner, Mount Pleasant — For All State Speech honors.  |
| 1989-56 | Angie Richard, Mount Pleasant — For All State Speech honors.   |
| 1989-57 | Brian Zihlman, Mount Pleasant — For All State Speech honors.   |
| 1989-58 | Blair Buffington, Mount Pleasant — For All State Speech honors.  |
| 1989-59 | Andrew Howie, Mount Pleasant — For All State Speech honors.  |
| 1989-60 | Sam Riepe, Mount Pleasant — For All State Speech honors.   |

## 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 472**, a bill for an act relating to private and home education and providing a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3933** April 7, 1989.

### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 419**, a bill for an act relating to energy efficiency and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 441**, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion of the Act.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 31**, a bill for an act relating to the violation of a law or rule of a health care facility and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H--3942** April 7, 1989.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 141**, 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--3951** April 7, 1989.

**Senate File 253**, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 294**, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing for the Act's repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H--3934** April 7, 1989.

**Senate File 391**, a bill for an act relating to reporting county jail information to the director of the department of corrections.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 434**, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 491**, a bill for an act relating to the destruction of the contents of an original court file.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 494**, a bill for an act relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

#### COMMITTEE ON TRANSPORTATION

**Senate File 349**, a bill for an act relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1989.

**Senate File 408**, a bill for an act relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3938** April 7, 1989.

#### AMENDMENTS FILED

H-3933	S.F.	472	Committee on Education
H-3934	S.F.	294	Committee on Judiciary and Law Enforcement
H-3935	S.F.	124	De Groot of Lyon
H-3936	S.F.	14	Bisignano of Polk
H-3937	S.F.	167	Schneklath of Scott
H-3938	S.F.	408	Committee on Transportation
H-3939	S.F.	300	Fuller of Hardin Royer of Page
H-3940	S.F.	502	Kremer of Buchanan
H-3941	S.F.	485	Petersen of Muscatine Koenigs of Mitchell
H-3942	S.F.	31	Committee on Human Resources
H-3945	S.F.	502	Van Maanen of Mahaska
H-3946	S.F.	450	Wise of Lee

H-3947	H.F.	436	Peterson of Carroll
H-3948	H.F.	436	Svoboda of Tama
H-3949	H.F.	436	Svoboda of Tama
H-3950	H.F.	436	Svoboda of Tama
H-3951	S.F.	141	Committee on Judiciary and Law Enforcement
H-3952	S.F.	149	Corbett of Linn
H-3953	S.F.	199	Teaford of Black Hawk
H-3954	S.F.	205	Beatty of Warren
H-3955	H.F.	738	Koenigs of Mitchell
H-3956	S.F.	300	Fuller of Hardin

On motion by Arnould of Scott, the House adjourned at 6:42 p.m., until 9:00 a.m., Tuesday, April 11, 1989.

# JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 11, 1989

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 Monday, April 10, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Beaman of Clarke, from one hundred seventy-nine residents of District 91.

By Lykam of Scott from one hundred five constituents.

By Maulsby of Calhoun from thirty-six constituents of District 9.

By Renken of Grundy from fifty-five constituents of District 21.

By Spenner of Henry from fifty constituents of District 59.

The following petitions were received and placed on file:

By Beatty of Warren from five constituents opposing House File 250, House File 251 and H.R. 709, U.S. Congress.

By Mertz of Kossuth from over eight thousand residents of Iowa favoring Senate File 375.

By Spenner of Henry from forty-one constituents of District 59, opposing Senate File 124.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Plasier of Sioux, until his arrival, on request of Stromer of Hancock.

## CONSIDERATION OF BILLS

Regular Calendar

**Senate File 216**, a bill for an act relating to the issuance of cremation permits, providing reporting requirements, providing for the

payment of costs, and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Hibbard of Madison offered amendment H—3324 filed by the committee on judiciary and law enforcement and requested division as follows:

H—3324

- 1 Amend Senate File 216 as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3324A

- 3 1. Page 1, by striking lines 20 and 21 and
- 4 inserting the following: "that the body of the
- 5 deceased person be cremated, the cause and manner of
- 6 death must first be determined by the county medical
- 7 examiner of the county in which the death occurred or
- 8 the body is discovered, and a permit for cremation
- 9 must be obtained from that medical examiner.
- 10 However,".
- 11 2. Page 1, line 25, by striking the words "the
- 12 medical" and inserting the following: "a medical".
- 13 3. Page 1, line 28, by striking the word "the"
- 14 and inserting the following: "a".

H—3324B

- 15 4. Page 1, by striking lines 29 and 30, and
- 16 inserting the following: "permit issued by a medical
- 17 examiner shall not exceed twenty-five dollars. The
- 18 costs shall be borne by the family, next of kin,
- 19 guardian of the decedent, or other person."

Muhlbauer of Crawford asked and received unanimous consent to withdraw amendment H—3373, to the committee amendment H—3324A, filed by him on March 13, 1989.

On motion by Hibbard of Madison, the committee amendment H—3324A lost.

On motion by Hibbard of Madison, the committee amendment H—3324B was adopted.

Hibbard of Madison moved that the bill be read a last time 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. 216)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Mausby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 1:

Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 82**, a bill for an act relating to jurisdiction over and discipline of members of the Iowa national guard, with report of committee recommending passage was taken up for consideration.

Kremer of Buchanan offered the following amendment H—3821 filed by him:

H—3821

- 1 Amend Senate File 82, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the figure
- 4 "29B.14." the following: "A member shall be called or
- 5 ordered to duty within one hundred eighty days of the
- 6 preferring of charges, and in no event shall a charge
- 7 be referred to a general court-martial for trial after

- 8 the expiration of three years from the preferring of  
9 the charge."

Kremer of Buchanan offered the following amendment H—3844, to amendment H—3821, filed by him and moved its adoption:

H—3844

- 1 Amend amendment, H—3821, to Senate File 82, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 9 and  
4 inserting the following:  
5 "\_\_\_\_\_. Page 1, line 7, by inserting after the  
6 figure "29B.14." the following: "A member shall be  
7 called or ordered to duty within one hundred eighty  
8 days of the discovery of the charged offense, and in  
9 no event shall a member be called or ordered to duty  
10 after the expiration of three years from the  
11 termination of a period of duty." "

Amendment H—3844 was adopted.

On motion by Kremer of Buchanan, amendment H—3821, as amended, was adopted.

Poncy of Wapello moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 82)

The ayes were, 99:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath

Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker Avenson	

The nays were, none.

Absent or not voting, 1:

Plasier

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 10:04 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.m., Speaker Avenson in the chair.

**REFERRED TO COMMITTEE ON WAYS AND MEANS**  
(House File 715)

The Speaker announced that House File 715, presently on the **regular calendar**, was referred to the committee on **ways and means**.

**CONSIDERATION OF BILLS**  
Regular Calendar

**Senate File 124**, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations, with report of committee recommending passage was taken up for consideration.

Holveck of Polk asked and received unanimous consent to defer action on amendment H—3865.

Schneklath of Scott offered the following amendment H—3476 filed by him and moved its adoption:

H—3476

- 1 Amend Senate File 124 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 16, by striking the words "a
- 4 special account of".
- 5 2. Page 3, lines 18 and 19, by striking the words
- 6 "the special account in".

A non-record roll call was requested.

The ayes were 27, nays 46.

Amendment H—3476 lost.

Holveck of Polk offered the following amendment H—3864 filed by him:

H—3864

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking line 26 and inserting the
- 4 following: "123.3. No more than four excursion
- 5 gambling boats shall be licensed to operate between
- 6 April 1, 1991, and March 31, 1995, and their operation
- 7 shall be limited to the Mississippi river."

(Amendment H—3864 to Senate File 124 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### BUSINESS PENDING AT RECESS

The House resumed consideration of **Senate File 124**, a bill for an act relating to gambling and the regulation of gambling devices and systems, by authorizing limited gambling on excursion boats, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing fees on admissions, by allocating revenue, by requiring licenses and imposing fees, by making corresponding amendments to the Code, and by providing penalties for violations, and amendment H—3864, pending at recess.

Holveck of Polk moved the adoption of amendment H—3864.

A non-record roll call was requested.

The ayes were 17, nays 37.

Amendment H—3864 lost.

Hermann of Scott offered amendment H—3376 filed by him and requested division as follows:

H—3376

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:

H-3376A

- 3 1. Page 3, line 28, by inserting after the words
- 4 "providing a" the following: "permanent".
- 5 2. Page 3, line 29, by inserting after the word
- 6 "and" the following: "a permanent".

H-3376B

- 7 3. Page 12, line 19, by striking the word
- 8 "eighteen" and inserting the following: "twenty-one".

Hermann of Scott moved the adoption of amendment H-3376A.

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H-3376A lost.

Tyrrell of Iowa offered the following amendment H-3494 filed by him and moved its adoption:

H-3494

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 30, by inserting after the word
- 4 "excursion." the following: "An individual player
- 5 shall not be allowed on more than one gambling
- 6 excursion within a twenty-four hour period."

Amendment H-3494 lost.

Lageschulte of Bremer offered the following amendment H-3541 filed by him and moved its adoption:

H-3541

- 1 Amend Senate File 124 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 30, by inserting after the word
- 4 "excursion." the following: "Each player shall sign
- 5 their name to a sheet as the player begins to play a
- 6 dealer-operated game. After each hand, the dealer or
- 7 an assistant shall inscribe the amount of loss or win
- 8 in designated columns on the player's sheet. If the
- 9 player's loss reaches two hundred dollars during an
- 10 excursion, the player will be notified that the loss
- 11 limit has been reached and further play during the
- 12 excursion is prohibited. All of the other dealers and
- 13 tables shall be notified of the player's ineligibility
- 14 to play during the remainder of the excursion."

Amendment H-3541 lost.

Holveck of Polk asked and received unanimous consent to withdraw amendment H—3555 filed by him on March 22, 1989.

Holveck of Polk offered the following amendment H—3863 filed by him and moved its adoption:

H—3863

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking line 30 and inserting the
- 4 following: "individual player during a three-hour
- 5 period."

A non-record roll call was requested.

The ayes were 33, nays 48.

Amendment H—3863 lost.

Holveck of Polk offered the following amendment H—3554 filed by him and moved its adoption:

H—3554

- 1 Amend Senate File 124, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 30 the
- 4 following:
- 5 "\_\_\_\_\_. To fix the admission price for the gambling
- 6 excursions offered by the excursion gambling boats."
- 7 2. By numbering subsections as necessary.

Amendment H—3554 lost.

Holveck of Polk offered the following amendment H—3862 filed by him and moved its adoption:

H—3862

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 4, by inserting after line 32 the fol-
- 4 lowing:
- 5 "Such a system shall include controls which make it
- 6 impossible to transfer any tokens, electronic cards or
- 7 chips to any person other than the person who
- 8 purchased them from the casino operator."

Amendment H—3862 lost.

De Groot of Lyon offered the following amendment H—3935 filed by him and moved its adoption:

H-3935

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 2 the
- 4 following:
- 5 "\_\_\_\_\_. To require the periodic drug testing of the
- 6 captain and other persons directly responsible for the
- 7 navigation of an excursion gambling boat subject to
- 8 section 730.5."

Roll call was requested by Bennett of Ida and De Groot of Lyon.

On the question "Shall amendment H-3935 be adopted?"  
(S.F. 124)

The ayes were, 37:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
Daggett	De Groot	Eddie	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Kistler
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Shoning
Spenner	Stromer	Stueland	Tyrrell
Van Maanen			

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brown	Buhr
Chapman	Cohon	Connolly	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Hibbard
Jay	Jochum	Johnson	Knapp
Koenigs	Lykam	May	McKinney
Mertz	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 6:

Brand	Connors	Haverland	Jesse
Lundby	Plasier		

Amendment H-3935 lost.

Connors of Polk in the chair at 2:33 p.m.

Tyrrell of Iowa offered the following amendment H—3503 filed by him and moved its adoption:

H—3503

- 1 Amend Senate File 124 as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, by inserting after line 6 the
- 4 following:
- 5 "\_\_\_\_\_. A person shall not be issued a license under
- 6 this chapter if the person has been convicted of, or
- 7 pleaded guilty to, a felony."
- 8 2. By renumbering subsections as necessary.

Amendment H—3503 lost.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—3366 filed by him on March 13, 1989.

Hermann of Scott offered the following amendment H—3375 filed by him and moved its adoption:

H—3375

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 7, line 34, by inserting after the word
- 4 "state." the following: "However, not more than one
- 5 license to operate an excursion gambling boat shall be
- 6 issued for each one hundred thousand population of
- 7 this state and not more than one license to operate an
- 8 excursion gambling boat shall be issued for each
- 9 twenty-five thousand population of a county in which
- 10 an excursion gambling boat docks."

Roll call was requested by Hermann of Scott and Miller of Cherokee.

On the question "Shall amendment H—3375 be adopted?"  
(S.F. 124)

The ayes were, 38:

Banks	Beaman	Bennett	Carpenter
Clark	Corbett	De Groot	Eddie
Fogarty	Garman	Gruhn	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Pellett	Petersen, D. F.
Renken	Royer	Schneklloth	Schrader
Shoning	Spenner	Stueland	Swartz
Tyrrell	Van Maanen		

The nays were, 57:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Connolly	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jochum	Johnson	Knapp	Koenigs
Lykam	May	McKinney	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Shearer	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Tabor	Teaford	Trent	Wise
Connors			
Presiding			

Absent or not voting, 5:

Branstad	Daggett	Jesse	Plasier
Stromer			

Amendment H—3375 lost.

Tyrrell of Iowa offered the following amendment H—3496 filed by him:

H—3496

- 1 Amend Senate File 124, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 8, line 7, by inserting after the word
- 4 "season." the following: "Except during the off-
- 5 season, an excursion gambling boat must be moving and
- 6 at least one hundred yards from any shore while
- 7 gambling is occurring."

Spenner of Henry offered the following amendment H—3547, to amendment H—3496, filed by him and moved its adoption:

H—3547

- 1 Amend the amendment, H—3496, to Senate File 124, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, lines 4 and 5, by striking the words
- 5 "Except during the off-season, an" and inserting the
- 6 following: "An".

Amendment H—3547 was adopted.

On motion by Tyrrell of Iowa, amendment H—3496, as amended, lost.

Corbett of Linn offered the following amendment H—3530 filed by him and moved its adoption:

H—3530

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 9, by striking lines 9 and 10.

Amendment H—3530 lost.

Eddie of Buena Vista offered the following amendment H—3707 filed by him and moved its adoption:

H—3707

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 10, line 23, by inserting after the word
- 4 "referendum" the following: "disapproving the conduct
- 5 of gambling games".
- 6 2. Page 10, by inserting after line 25 the fol-
- 7 lowing:
- 8 "\_\_\_\_\_. However, after approval of excursion boat
- 9 gambling at a referendum, the board of supervisors,
- 10 after the expiration of at least one year from the
- 11 date of the favorable referendum and upon receipt of a
- 12 valid petition requesting a vote on the proposition to
- 13 approve or disapprove excursion boat gambling, shall
- 14 direct the commissioner of elections to submit the
- 15 proposition to the county electorate as provided in
- 16 paragraph "a". The petition shall contain the
- 17 signatures of the number of voters equal to at least
- 18 ten percent of the voters voting at the referendum
- 19 approving the excursion boat gambling."
- 20 3. By lettering paragraphs as necessary.

Amendment H—3707 lost.

Spenner of Henry asked and received unanimous consent to withdraw the following amendments filed by him:

H—3505 filed March 21, 1989.

H—3479 filed March 20, 1989.

H—3480 filed March 20, 1989.

H—3486 filed March 20, 1989, placing out of order amendment H—3545 (to amendment H—3486) filed by Tyrrell of Iowa on March 22, 1989.

H—3488 filed March 20, 1989.

H—3491 filed March 21, 1989.

H—3492 filed March 21, 1989.

Gruhn of Dickinson asked and received unanimous consent to withdraw amendment H—3493 filed by her on March 21, 1989.

Spenner of Henry offered the following amendment H—3506 filed by him and Gruhn of Dickinson and moved its adoption:

H—3506

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_\_. The commission shall prohibit the sale or
- 6 consumption of alcoholic beverages in the area of the
- 7 excursion gambling boat where gambling games are
- 8 operated."
- 9 2. By renumbering subsections as necessary.

Amendment H—3506 lost.

Spenner of Henry asked and received unanimous consent to withdraw the following amendments filed by him:

H—3524 filed March 21, 1989.

H—3528 filed March 22, 1989.

Spenner of Henry offered the following amendment H—3548 filed by him and Gruhn of Dickinson and moved its adoption:

H—3548

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 11, by inserting after line 16 the
- 4 following:
- 5 "\_\_\_\_\_. A person under the age of eighteen years
- 6 shall not be admitted aboard an excursion gambling
- 7 boat."
- 8 2. Page 12, line 19, by striking the word
- 9 "eighteen" and inserting the following: "twenty-one".
- 10 3. Page 16, line 26, by striking the word
- 11 "eighteen" and inserting the following: "twenty-one".

Roll call was requested by Schnekloth of Scott and Garman of Story.

Rule 75 was invoked.

On the question "Shall amendment H—3548 be adopted?"  
(S.F. 124)

The ayes were, 46:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Connolly

Corbett	Daggett	De Groot	Doderer
Eddie	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Hermann	Hester	Hibbard	Holveck
Kistler	Knapp	Kremer	Lageschulte
Maulsby	McKean	Metcalf	Miller
Osterberg	Pellet	Petersen, D. F.	Renken
Royer	Schneklath	Schrader	Shoning
Spenner	Stueland	Svoboda	Tabor
Tyrrell	Van Maanen		

The nays were, 52:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brammer	Brand
Brown	Buhr	Chapman	Cohoon
Diemer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Hansen, S. D.	Harper
Hatch	Haverland	Jay	Jesse
Jochum	Johnson	Koenigs	Lundby
Lykam	May	McKinney	Mertz
Muhlbauer	Neuhauser	Nielsen	Ollie
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Shearer	Sherzan
Shoultz	Siegrist	Spear	Swartz
Teaford	Trent	Wise	Connors
			Presiding

Absent or not voting, 2:

Plasier                      Stromer

Amendment H—3548 lost.

Holveck of Polk offered the following amendment H—3781 filed by him and moved its adoption:

H—3781

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 12, line 6, by striking the word "How-
- 4 ever,".
- 5 2. Page 12, by striking lines 7 through 9.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 39, nays 54.

Amendment H—3781 lost.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—3482 filed by him on March 20, 1989.

The House resumed consideration of amendment H—3376B, found on page 1449 of the House Journal.

Hermann of Scott moved the adoption of amendment H—3376B.

Roll call was requested by Hermann of Scott and Miller of Cherokee.

Rule 75 was invoked.

On the question "Shall amendment H—3376B be adopted?"  
(S.F. 124)

The ayes were, 41:

Banks	Beaman	Bennett	Branstad
Carpenter	Clark	Connolly	Corbett
Daggett	De Groot	Eddie	Garman
Gruhn	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Holveck	Kistler
Knapp	Lageschulte	Lundby	Maulsby
McKean	Mertz	Metcalf	Miller
Pellett	Petersen, D. F.	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shoning
Spenner	Stromer	Stueland	Tyrrell
Van Maanen			

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. A.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hibbard	Jay
Jesse	Jochum	Johnson	Koenigs
Kremer	Lykam	May	McKinney
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Shearer	Sherzan	Shoultz	Siegrist
Spear	Teaford	Trent	Wise
Connors			
Presiding			

Absent or not voting, 6:

Muhlbauer	Osterberg	Plasier	Svoboda
Swartz	Tabor		

Amendment H—3376B lost.

Hermann of Scott offered the following amendment H—3470 filed by him and moved its adoption:

H—3470

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, line 22, by inserting after the word
- 4 "conducted." the following: "A person under twenty-
- 5 one years of age shall be restricted from entering an
- 6 area of an excursion gambling boat where alcoholic
- 7 beverages are sold or are available."

Amendment H—3470 lost.

Spenner of Henry asked and received unanimous consent to withdraw amendment H—3481 filed by him on March 20, 1989.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—3542 filed by him on March 22, 1989.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3423 filed by him on March 16, 1989.

Speaker Avenson in the chair at 4:25 p.m.

Spenner of Henry offered the following amendment H—3780 filed by him and Tyrrell of Iowa and moved its adoption:

H—3780

- 1 Amend Senate File 124, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, line 2, by striking the words "One-
- 4 half of one" and inserting the following: "Three".

Roll call was requested by Spenner of Henry and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—3780 be adopted?"  
(S.F. 124)

The ayes were, 46:

Banks	Beaman	Bennett	Branstad
Buhr	Carpenter	Clark	Connolly
Connors	Corbett	Daggett	De Groot
Eddie	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Haverland	Hermann	Hester	Holveck
Kistler	Kremer	Lageschulte	Maulsby
McKean	Miller	Osterberg	Pellett
Petersen, D. F.	Renken	Royer	Schnekloth
Schrader	Shoning	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Tyrrell	Van Maanen		

The nays were, 53:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Brand
Brown	Chapman	Cohoon	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Hansen, S. D.	Harper
Hatch	Hibbard	Jay	Jesse
Jochum	Johnson	Knapp	Koenigs
Lundby	Lykam	May	McKinney
Mertz	Metcalf	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Shearer	Sherzan	Shoultz	Siegrist
Spear	Tabor	Trent	Wise
Mr. Speaker			
Avenson			

Absent or not voting, 1:

Plasier

Amendment H—3780 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3546 filed by him on March 22, 1989.

Renken of Grundy asked and received unanimous consent to withdraw amendment H—3513 filed by him on March 21, 1989.

Tyrrell of Iowa offered the following amendment H—3519 filed by him and moved its adoption:

H—3519

- 1 Amend Senate File 124, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 16, by inserting after line 24 the
- 4 following:
- 5 "\_\_\_\_\_. Offering or providing any alcoholic beverage
- 6 to a passenger or player by a licensed owner or
- 7 operator at a price below cost to the licensed owner
- 8 or operator."
- 9 2. By lettering paragraphs as necessary.

Amendment H—3519 lost.

Tyrrell of Iowa offered the following amendment H—3495 filed by him and moved its adoption:

H—3495

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 20, by inserting after line 23 the

- 4 following:  
 5 "\_\_\_\_\_. The commission shall require, as a condition  
 6 of licensing under this section, that pictures,  
 7 symbols, and decorations on gambling devices,  
 8 equipment, or apparatus shall depict and promote Iowa  
 9 products."  
 10 2. By renumbering subsections as required.

Amendment H—3495 lost.

Schneklath of Scott offered the following amendment H—3593 filed by him and moved its adoption:

H—3593

- 1 Amend Senate File 124, as amended, passed, and re-  
 2 printed by the Senate, as follows:  
 3 1. Page 22, by inserting after line 24 the fol-  
 4 lowing:  
 5 "Sec. 100. Section 427A.1, subsection 1, Code  
 6 1989, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. 1. Excursion gambling boats as  
 9 defined in section 99F.1.  
 10 Sec. 101. Section 441.18, Code 1989, is amended to  
 11 read as follows:  
 12 441.18 LISTING AND VALUATION.  
 13 Each assessor shall, with the assistance of each  
 14 person assessed, or who may be required by law to list  
 15 property belonging to another, enter upon the  
 16 assessment rolls the several items of property  
 17 required to be entered for assessment. An excursion  
 18 gambling boat, as defined in section 99F.1, shall be  
 19 listed and assessed as real property in the county  
 20 where the boat is licensed to dock under chapter 99F.  
 21 If the boat is licensed to dock in more than one area  
 22 the owner of the boat shall designate a home dock for  
 23 property tax purposes. The assessor shall personally  
 24 affix values to all property assessed by the  
 25 assessor."  
 26 2. Page 23, by inserting after line 7 the  
 27 following:  
 28 "Sec. \_\_\_\_\_. Sections 100 and 101 of this Act are  
 29 effective January 1 following the effective date of  
 30 this Act for assessment years beginning on or after  
 31 that date."

Roll call was requested by Schneklath of Scott and Miller of Cherokee.

On the question "Shall amendment H—3593 be adopted?"  
 (S.F. 124)

The ayes were, 49:

Banks	Beamán	Bennett	Black
Branstad	Carpenter	Clark	Connors
Corbett	Daggett	De Groot	Eddie
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Holveck
Jesse	Kistler	Kremer	Lageschulte
Lundby	Maulsby	McKean	Mertz
Metcalf	Miller	Osterberg	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklóth	Schrader	Shearer	Shoning
Siegrist	Spenner	Stromer	Stueland
Svoboda	Tabor	Trent	Tyrrell
Van Maanen			

The nays were, 51:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cohon	Connolly
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hibbard	Jay	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Muhlbauer	Neuhauser
Nielsen	Ollie	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Sherzan	Shoultz	Spear	Swartz
Teaford	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, none.

Amendment H—3593 lost.

Holveck of Polk offered the following amendment H—3861 filed by him and moved its adoption:

H—3861

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 23, by inserting after line 7 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. All provisions of this Act shall be
- 6 repealed effective June 30 of any year in which the
- 7 limitations imposed in section 99F.4, subsection 4,
- 8 are increased by an Act of the general assembly."

A non-record roll call was requested.

The ayes were 40, nays 46.

Amendment H—3861 lost.

Holveck of Polk offered the following amendment H—3865, previously deferred, filed by him:

H—3865

- 1 Amend Senate File 124, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 4 through 9 and
- 4 inserting the following:
- 5 "1. "Applicant" means a person applying for an
- 6 occupational license or the officers and members of
- 7 the board of directors of a qualified sponsoring
- 8 organization located in Iowa applying for a license to
- 9 own and operate an excursion gambling boat."
- 10 2. Page 3, by striking lines 9 and 10 and
- 11 inserting the following:
- 12 "2. To license qualified sponsoring organizations
- 13 to own and operate excursion gambling boats, to
- 14 identify".
- 15 3. Page 5, by striking lines 6 through 10 and
- 16 inserting the following:
- 17 "1. A qualified sponsoring organization may apply
- 18 to the commission for a license to own and operate an
- 19 excursion gambling boat as provided in this chapter.
- 20 The application shall be filed with".
- 21 4. Page 5, by striking lines 25 through 26 and
- 22 inserting the following:
- 23 "1. A person or organization shall not be issued a
- 24 license to".
- 25 5. Page 5, line 29, by inserting after the word
- 26 "person" the following: "or organization".
- 27 6. Page 6, by striking lines 18 and 19 and
- 28 inserting the following: "license to own and operate
- 29 an excursion gambling boat, including all officers and
- 30 members of the board of directors and all sources of
- 31 funding for the organization and its excursion
- 32 gambling boat project. The applicant shall provide
- 33 information on a".

Holveck of Polk offered the following amendment H—3959, to amendment H—3865, filed by him from the floor and moved its adoption:

H—3959

- 1 Amend the amendment, H—3865, to Senate File 124, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 9, by inserting after the word
- 5 "boat" the following: "including the operation of
- 6 gambling games on the excursion gambling boat".

- 7 2. Page 1, line 13, by inserting after the word
- 8 "boats" the following: "including the operation of
- 9 gambling games on the excursion gambling boat".
- 10 3. Page 1, line 19, by inserting after the word
- 11 "boat" the following: "including the operation of
- 12 gambling games on the excursion gambling boat".

Amendment H—3959 was adopted.

Groninga of Cerro Gordo in the chair at 5:23 p.m.

On motion by Holveck of Polk, amendment H—3865, as amended, lost.

Speaker Avenson in the chair at 7:05 p.m.

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.

Rule 75 was invoked.

On the question "Shall the bill pass?" (S.F. 124)

The ayes were, 47:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Brand	Brown
Buhr	Chapman	Cphoon	Dvorsky
Fey	Fuller	Groninga	Halvorson, R. A.
Hansen, S. D.	Harper	Hatch	Haverland
Hibbard	Jay	Jesse	Jochum
Koenigs	Kremer	Lundby	Lykam
May	McKinney	Mertz	Muhlbauer
Neuhauser	Nielsen	Ollie	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Sherzan	Shoultz	Spear	Teaford
Trent	Wise	Mr. Speaker	
		Avenson	

The nays were, 53:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Hermann	Hester
Holveck	Johnson	Kistler	Knapp
Lageschulte	Maulsby	McKean	Metcalf
Miller	Osterberg	Pellett	Petersen, D. F.
Plasier	Renken	Rosenberg	Royer
Schneklath	Schrader	Shearer	Shoning

Siegrist  
Svoboda  
Van Maanen

Spenner  
Swartz

Stromer  
Tabor

Stueland  
Tyrrell

Absent or not voting, none.

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

### 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 10, 1989, insisted on its amendment to House File 199, a bill for an act relating to individual and group accident and sickness insurance, nonprofit health service plans, health maintenance organizations, and Medicare supplemental insurance policies, by mandating inclusion of minimum mammography examination coverage under certain conditions, and the members of the conference committee, on the part of the Senate are: The Senator from Kossuth, Senator Priebe, Chair; the Senator from Johnson, Senator Lloyd-Jones; the Senator from Jones, Senator Hannon; the Senator from Scott, Senator Tinsman; and the Senator from Polk, Senator Gentleman.

JOHN F. DWYER, Secretary

### CONFERENCE COMMITTEE APPOINTED

(House File 199)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 199: Holveck of Polk, Chair; Doderer of Johnson, Bisignano of Polk, Kremer of Buchanan and Shoning of Woodbury.

**Senate File 110**, a bill for an act relating to foster care review by establishing certain reporting requirements, 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. 110)

The ayes were, 97:

Adams  
Beatty  
Brammer  
Buhr  
Cohoon  
Daggett  
Eddie  
Garman

Arnould  
Bennett  
Brand  
Carpenter  
Connolly  
De Groot  
Fey  
Groninga

Banks  
Black  
Branstad  
Chapman  
Connors  
Doderer  
Fogarty  
Gruhn

Beaman  
Blanshan  
Brown  
Clark  
Corbett  
Dvorsky  
Fuller  
Halvorson, R. A.

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Bisignano                      Diemer                      Metcalf

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 7:17 p.m.

**Senate File 88**, a bill for an act relating to children, youth, and families, providing for the collection, development, and dissemination of statistical information, providing for the continued existence of the division of children, youth, and families in the department of human rights, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Haverland of Polk offered the following amendment H—3800 filed by the committee on human resources and moved its adoption:

H—3800

- 1 Amend Senate File 88, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 26 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 234.11, unnumbered paragraph 2,
- 6 Code 1989, is amended by striking the paragraph."
- 7 2. Page 1, by striking lines 29 and 30 and
- 8 inserting the following:
- 9 "NEW SUBSECTION. 6. Cooperate with the department
- 10 of economic development in connection with that

- 11 department's collection, assembly, and dissemination  
 12 of information on".  
 13 3. Title page, line 3, by inserting after the  
 14 word "information," the following: "eliminating  
 15 certain requirements for review and reporting by the  
 16 county board of social welfare,".  
 17 4. By numbering and renumbering as necessary.

The committee amendment H—3800 was adopted.

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. 88)

The ayes were, 82:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
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	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Lageschulte	Lundby	Lykam	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Connors		
	Presiding		

The nays were, 13:

Banks	Beaman	Bennett	Branstad
Daggett	De Groot	Kremer	Maulsby
Pellett	Renken	Schnekloth	Tyrrell
Van Maanen			

Absent or not voting, 5:

Brown	Diemer	Harbor	Royer
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 203**, a bill for an act relating to escorts during the transfer of inmates committed to the custody of the director of the department of corrections, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 203)

The ayes were, 91:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Chapman	Cohoon
Connolly	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Connors	
		Presiding	

The nays were, 4:

Banks	Carpenter	Clark	Garman
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Absent or not voting, 5:

Diemer	Halvorson, R. N.	Holveck	Shearer
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 339**, a bill for an act providing for delivering a deceased inmate's property to a designated person by the department of corrections, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 339)

The ayes were, 90:

Adams	Avenson, Spkr.	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Neuhauser	Nielsen
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 10:

Arnould	Banks	Carpenter	Diemer
Halvorson, R. N.	Hibbard	Holveck	Ollie
Shearer	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 7:30 p.m., until the fall of the gavel.

The House resumed session at 7:31 p.m., Speaker Avenson in the chair.

### RULE 57 SUSPENDED

Hammond of Story asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the human resources subcommittee on appropriations, April 12, 1989.

### MOTION TO RECONSIDER (Senate File 124)

I move to reconsider the vote by which Senate File 124 failed to pass the House on April 11, 1989.

CONNORS of Polk

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred fifth and sixth grade students from West Monona Elementary School, Onawa, accompanied by Joan Petersen. By Bennett of Ida.

Thirty-one fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn. By Carpenter of Polk.

Fifty eleventh grade students from Guthrie Center High School, Guthrie Center, accompanied by Connie Skow. By Hibbard of Madison.

Twenty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Jane Schick. By Jay of Appanoose.

Forty sixth grade students from Manson Elementary School, Manson, accompanied by Diane Scheffler, Marilyn Moeding and Gary Ways. By Maulsby of Calhoun.

### AMENDMENTS FILED

H - 3957	S.F.	278	Harper of Black Hawk Buhr of Polk Kistler of Jefferson Brown of Lucas
H - 3958	H.F.	760	Hermann of Scott De Groot of Lyon Jochum of Dubuque
H - 3960	S.F.	502	Van Maanen of Mahaska
H - 3961	H.F.	753	Schneklath of Scott

H-3962	S.F.	498	Hibbard of Madison Jay of Appanoose
H-3963	S.F.	389	Jay of Appanoose
H-3964	S.F.	442	Connors of Polk
H-3965	S.F.	56	Teaford of Black Hawk Harper of Black Black Shoultz of Black Hawk
H-3966	S.F.	205	Beatty of Warren Hanson of Delaware
H-3967	S.F.	442	Brown of Lucas Rosenberg of Story Fey of Scott Beatty of Warren Hammond of Story
H-3968	H.F.	436	Svoboda of Tama
H-3969	S.F.	121	Jay of Appanoose Connolly of Dubuque Schneklath of Scott
H-3970	S.F.	124	Connors of Polk Trent of Muscatine Shearer of Louisa

On motion by Arnould of Scott, the House adjourned at 7:32 p.m., until 9:00 a.m., Wednesday, April 12, 1989.

# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 12, 1989

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 Tuesday, April 11, 1989 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Fogarty of Palo Alto, from sixty-five constituents favoring House File 405 and Senate File 288.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, until her arrival, on request of Stromer of Hancock.

## REMOVED FROM REGULAR CALENDAR

Arnould of Scott asked and received unanimous consent that the following bills be removed from the regular calendar and be rereferred to the committees of last referral as listed:

House File 24	Judiciary and Law Enforcement
House File 86	Energy and Environmental Protection
House File 185	State Government
House File 225	Local Government
House File 235	Human Resources
House File 236	Human Resources
House File 262	Judiciary and Law Enforcement
House File 268	Judiciary and Law Enforcement
House File 316	Education
House File 394	Labor and Industrial Relations
House File 441	Judiciary and Law Enforcement
House File 497	Labor and Industrial Relations
House File 601	Labor and Industrial Relations
House File 610	State Government
House File 649	Judiciary and Law Enforcement
House File 667	Local Government

House File 671	Economic Development
House File 673	Transportation
House File 681	Transportation
House File 682	Natural Resources and Outdoor Recreation
House File 683	Judiciary and Law Enforcement
House File 694	Small Business and Commerce
House File 701	Labor and Industrial Relations
House File 702	Judiciary and Law Enforcement
House File 704	State Government
House File 711	Transportation
House File 712	Energy and Environmental Protection
House File 747	State Government
House File 749	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 April 10, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 5, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

Also: That the Senate has on April 10, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 198, a bill for an act relating to the issuance and possession of commercial fishing operators' licenses.

Also: That the Senate has on April 10, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 234, a bill for an act relating to entities and subject matter regulated by the department of commerce, division of banking, including banks, regulated loans, and industrial loan companies.

Also: That the Senate has on April 10, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 241, a bill for an act relating to the authority of fire chiefs and their officers at fire scenes and emergencies, and providing a penalty for violations.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 254, a bill for an act relating to the regulation of oxygenate octane enhancers.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 256, a bill for an act relating to the elimination of the risk management division of the department of general services.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 270, a bill for an act relating to the membership of the long-term care coordinating unit within the department of elder affairs.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 301, a bill for an act relating to the rulemaking authority of the labor commissioner.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 331, a bill for an act relating to standards for apples established by the secretary of agriculture, providing for the establishment of fees, and providing penalties.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 332, a bill for an act allowing a physician, as defined in section 135.1, to issue a statement attesting to a person's handicap for the purpose of issuing a handicapped plate, identification device, or sticker, and providing an effective date.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 375, a bill for an act relating to the Iowa conservation corps program.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 380, a bill for an act relating to real estate practices, permitting certain activities to be conducted through a corporation owned by a real estate broker associate or salesperson, and providing properly related matters.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 384, a bill for an act relating to sheriffs' sales by permitting written sealed bids to be received, and providing procedures for written sealed bids.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 418, a bill for an act relating to the number of elector signatures required to authorize inclusion of a proposition relating to school districts on a regular election ballot.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 432, a bill for an act relating to canteen funds under the authority of the director of the department of corrections.

Also: That the Senate has on April 10, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 533, a bill for an act relating to the regulation of grain management, by providing for licensing and regulation of grain dealers and warehouse operators and the administration of licensing and regulation within the department of agriculture and land stewardship and by the Iowa grain indemnity board.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 550, a bill for an act relating to providing assistance to retrain workers in existing businesses and providing for an evaluation of retraining programs.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 647, a bill for an act relating to governmental bodies under the open meetings law, including the definition of governmental body and the provision of information relating to open meetings and public records to governmental bodies.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 650, a bill for an act relating to products derived from sorghum, including labeling requirements, and making a penalty applicable.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 655, a bill for an act relating to the second injury fund, by increasing payments to the fund in event of a job-related death, and providing an effective date.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 665, a bill for an act authorizing free fishing permits for residents of health care facilities and juvenile shelter care homes.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 666, a bill for an act to repeal the provision repealing the postsecondary options Act.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 668, a bill for an act relating to bonds for state, county, and city officers, including waiver of the exemption of a homestead from execution and liability of the officers.

Also: That the Senate has on April 10, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 669, a bill for an act prohibiting the sale or distribution of purple loosestrife (*lythrum salicaria*) and subjecting violators to a penalty.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 679, 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 April 10, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 687, a bill for an act to eliminate the nonresident commercial mussel license.

Also: That the Senate has on April 10, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, a concurrent resolution relating to the implementation of a state public transit assistance fund distribution formula recommended by the Iowa public transit assistance distribution study steering committee.

Also: That the Senate has on April 10, 1989, passed the following bill in which the concurrence of the House is asked:

Senate File 138, a bill for an act to change the name of the county board of supervisors to the board of county commissioners.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 364**, a bill for an act authorizing the board of supervisors to waive a tax penalty, interest, or cost if a clerical error is found, with report of committee recommending passage was taken up for consideration.

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. 364)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck

Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Clark                      Halvorson, R. N.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 367**, a bill for an act relating to the powers and duties of county recorders, 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. 367)

The ayes were, 97:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Neuhauser

Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 3:

Brown                      Clark                      Ollie

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 installation and use of telecommunications devices for deaf persons in an enhanced 911 service area, with report of committee recommending amendment and passage was taken up for consideration.

Shearer of Louisa asked and received unanimous consent to withdraw amendment H—3799 filed by the committee on local government on April 4, 1989.

Tabor of Jackson in the chair at 10:16 a.m.

Shearer of Louisa offered the following amendment H—3814 filed by him and moved its adoption:

H—3814

- 1 Amend Senate File 428, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 2, by striking the words "AND
- 4 E911 SERVICE".
- 5 2. Page 1, by striking line 3 and inserting the
- 6 following:
- 7 "By January 1, 1990, each county".
- 8 3. Page 1, line 4, by striking the word "plan".
- 9 4. Page 1, line 5, by striking the words "in each
- 10 county".

A non-record roll call was requested.

The ayes were 42, nays 18.

Amendment H—3814 was adopted.

Shearer of Louisa moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 428)

The ayes were, 83:

Adams	Avenson, Spkr.	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Corbett	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
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schneklath
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Wise	Tabor	
		Presiding	

The nays were, 12:

Banks	Branstad	Daggett	Garman
Kremer	Maulsby	McKean	Miller
Renken	Royer	Tyrell	Van Maanen

Absent or not voting, 5:

Arnould	Clark	Connors	Hermann
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 90**, a bill for an act relating to the regulation of the practice of dentistry by providing that students of dental hygiene are not engaged in the practice of dentistry, with report of committee recommending passage 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?" (S.F. 90)

The ayes were, 97:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Tabor			
Presiding			

The nays were, none.

Absent or not voting, 3:

Clark                      Petersen, D. F.                      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 **Senate File 157**, a bill for an act relating to driving privileges of fourteen-year-old drivers, permitting attendance at approved driver education courses, requiring completion of driver education before issuance of a school license, and removing time limits on use of a school license, previously deferred.

Fogarty of Palo Alto offered the following amendment H—3804 filed by him and moved its adoption:

H—3804

- 1 Amend Senate File 157 as amended, passed, and
- 2 reprinted by the Senate as follows:

- 3 1. Page 1, line 1, by inserting after the figure  
 4 "321.178," the following: "subsection 1,".  
 5 2. Page 1, line 24, by striking the words "p.m.  
 6 over" and inserting the following: "p.m. over".  
 7 3. Page 2, line 22, by inserting after the word  
 8 "license" the following: "or permit".  
 9 4. Title page, line 4, by striking the word  
 10 "removing" and inserting the following: "changing".

Amendment H—3804 was adopted.

Buhr of Polk asked and received unanimous consent that Senate File 157 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 76**, a bill for an act providing for jailer training programs to be administered by the Iowa law enforcement academy, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 76)

The ayes were, 96:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brammer	Brand
Branstad	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Tabor
			Presiding

The nays were, none.

Absent or not voting, 4:

Clark                      Halvorson, R. N.                      Mertz                      Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 112**, a bill for an act relating to nonsubstantive Code corrections, 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. 112)

The ayes were, 93:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalfe	Muhlbauer	Neuhauser	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Wise
Tabor			
Presiding			

The nays were, 2:

Maulsby                      Van Maanen

Absent or not voting, 5:

Blanshan                      Clark                      Miller                      Shearer  
Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 121**, a bill for an act relating to the possession or making of motor vehicle licenses, nonoperator's identification cards, and blank motor vehicle license forms, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—3882 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3882

1 Amend Senate File 121, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting after line 13 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 805.8, subsection 2, Code 1989,  
6 is amended by adding the following new paragraph:  
7 NEW PARAGRAPH. p. For obtaining, possessing, or  
8 having in one's control or one's premises a motor  
9 vehicle license, a nonoperator's identification card,  
10 or a blank motor vehicle license form in violation of  
11 section 321.216, subsection 7 or 8, the scheduled fine  
12 is fifty dollars."

The committee amendment H—3882 was adopted.

Jay of Appanoose offered the following amendment H—3969 filed by him:

H—3969

1 Amend Senate File 121, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 321.1, subsection 16, un-  
6 numbered paragraph 3, Code 1989, is amended to read as  
7 follows:  
8 Notwithstanding the other provisions of this  
9 subsection any a vehicle covered thereby by this  
10 subsection if it otherwise qualifies may be registered  
11 as special mobile equipment, or operated or moved  
12 under the provisions of sections 321.57 to 321.63, if  
13 the person in whose name such the vehicle is to be  
14 registered or to whom a special plate or plates are is  
15 to be issued elects to do so and under such. Under  
16 those circumstances the provisions of this subsection  
17 shall is not be applicable to such the vehicle, nor

18 ~~shall such is the vehicle be required to comply with~~  
19 ~~the provisions of sections 321.384 to 321.429, when~~  
20 ~~such the vehicle is moved during daylight hours,~~  
21 ~~provided however, the provisions of. However, section~~  
22 ~~321.383, shall remain remains applicable to such the~~  
23 ~~vehicle.~~

24 Sec. \_\_\_\_\_. Section 321.18, subsection 7, Code 1989,  
25 is amended to read as follows:

26 7. ~~Any~~ A school bus in this state used exclusively  
27 for the transportation of pupils to and from school or  
28 a school function or for the purposes provided in  
29 section 285.1, subsection 1, and section 285.10,  
30 subsection 9. Upon application the department shall,  
31 without charge, issue a registration certificate and  
32 shall also issue a registration ~~plates~~ plate which  
33 shall have imprinted ~~thereon on the plate~~ the words  
34 "Private School Bus" and a distinguishing number  
35 assigned to the applicant. ~~Such plates~~ The plate  
36 shall be attached to the ~~front and rear~~ of each bus  
37 exempt from registration under this subsection.

38 Sec. \_\_\_\_\_. Section 321.19, subsection 1, unnumbered  
39 paragraph 2, Code 1989, is amended to read as follows:

40 The department shall furnish, on application, free  
41 of charge, distinguishing plates for vehicles thus  
42 exempted, which plates, except plates on Iowa highway  
43 safety patrol vehicles, shall bear the word "official"  
44 and the department shall keep a separate record of  
45 them. Registration plates issued for Iowa highway  
46 safety patrol vehicles, except unmarked patrol  
47 vehicles, shall bear two red stars on a yellow  
48 background, one before and one following the  
49 registration number on the plate, which registration  
50 number shall be the officer's badge number.

## Page 2

1 Registration plates issued for a county ~~sheriffs'~~  
2 ~~sheriffs'~~ patrol vehicles shall display one seven-  
3 pointed gold star on a green background followed by  
4 the letter "S" and the call number of the vehicle.  
5 However, the director of general services or the  
6 director of transportation may order the issuance of a  
7 regular registration ~~plates~~ plate for any exempted  
8 vehicle used by peace officers in the enforcement of  
9 the law, persons enforcing chapter 204 and other laws  
10 relating to controlled substances, persons in the  
11 department of justice who are regularly assigned to  
12 conduct investigations which cannot reasonably be  
13 conducted with a vehicle displaying an "official"  
14 state registration ~~plates~~ plate, and persons in the  
15 lottery division of the department of revenue and  
16 finance whose regularly assigned duties relating to  
17 security or the carrying of lottery tickets cannot

18 reasonably be conducted with a vehicle displaying an  
19 "official" registration ~~plates~~ plate. For purposes of  
20 sale of exempted vehicles, the exempted governmental  
21 body, upon the sale of the exempted vehicle, may issue  
22 for in-transit purposes a pasteboard card bearing the  
23 words "Vehicle in Transit", the name of the official  
24 body from which the vehicle was purchased, together  
25 with the date of the purchase plainly marked in at  
26 least one-inch letters, and other information required  
27 by the department. The in-transit card is valid for  
28 use only within forty-eight hours after the purchase  
29 date as indicated on the bill of sale which shall be  
30 carried by the driver.

31 Sec. \_\_\_\_\_. Section 321.21, Code 1989, is amended to  
32 read as follows:

33 321.21 SPECIAL MOBILE EQUIPMENT PLATES.

34 1. A person owning any special mobile equipment  
35 may make application to the department, upon the  
36 appropriate form furnished by the department, for a  
37 certificate containing a general distinguishing number  
38 and for one ~~or more~~ special mobile equipment ~~plates~~  
39 plate. The applicant shall also submit proof of the  
40 status of the vehicle as special mobile equipment as  
41 may reasonably be required by the department.

42 2. The department upon granting ~~such the~~  
43 application, shall issue to the applicant a  
44 certificate containing, but not limited to, the  
45 applicant's name and address and the general  
46 distinguishing number assigned to the applicant and  
47 ~~such~~ other information deemed necessary by the  
48 department for proper identification.

49 3. The department shall also issue a special  
50 mobile equipment ~~plates~~ plate as applied for, which

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1 shall have displayed the general distinguishing number  
2 assigned to the applicant. Each ~~plate or pair of~~  
3 ~~plates~~ issued shall have displayed on the face of the  
4 ~~plate~~ the words: Special Mobile Equipment. The fee  
5 for each ~~plate or pair of special plates~~ is fifteen  
6 dollars.

7 4. ~~Every A~~ special mobile equipment plate issued  
8 ~~shall expire~~ expires at midnight on the thirty-first  
9 day of December of the third year following issuance,  
10 and a new ~~plate or plates~~ for the ensuing three-year  
11 period may be obtained by the person to whom any  
12 expired plate was issued upon application to the  
13 department and payment of the fee required by law.

14 5. ~~Every A~~ person owning special mobile equipment  
15 for which a certificate and a ~~plate or plates~~ have  
16 been issued shall keep a written record of the

17 vehicles upon which ~~such~~ the special mobile equipment  
18 plates are used, which record shall be open to  
19 inspection by any police officer or any officer or  
20 employee of the department.

21 6. The certificate and ~~plates~~ plate issued shall  
22 be for purposes of identification only and shall not  
23 constitute a registration as required under this  
24 chapter. A certificate of title need not be executed  
25 when the certificate and ~~plates~~ plate are issued and a  
26 certificate of title need not be delivered to the  
27 purchaser or transferee when special mobile equipment  
28 is sold or disposed of unless the special mobile  
29 equipment is a mobile home.

30 7. The department may issue temporary written  
31 authorization. The temporary authority shall permit  
32 the operation of special mobile equipment until  
33 permanent identification is issued, except that the  
34 temporary authority shall expire after ten days.

35 Sec. \_\_\_\_\_. Section 321.22, subsection 1, Code 1989,  
36 is amended to read as follows:

37 1. An urban transit company or system having a  
38 franchise to operate in any city and any regional  
39 transit system may make application to the  
40 department, upon forms furnished by the department,  
41 for a certificate containing a distinguishing number  
42 and for one or more ~~pairs~~ of transit bus plates to be  
43 attached to the ~~front and~~ rear of buses owned or  
44 operated by the transit company or system.

45 Sec. \_\_\_\_\_. Section 321.23, subsection 3, Code 1989,  
46 is amended to read as follows:

47 3. ~~In the event~~ If an applicant for registration  
48 of a foreign vehicle for which a certificate of title  
49 has been issued is able to furnish evidence of being  
50 the registered owner of the vehicle to the county

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1 treasurer of the owner's residence, although unable to  
2 surrender ~~such~~ the certificate of title, the county  
3 treasurer may issue a registration receipt and ~~plates~~  
4 plate upon receipt of the required registration fee  
5 but shall not issue a certificate of title ~~thereto~~.  
6 Upon surrender of the certificate of title from the  
7 foreign state, the county treasurer shall issue a  
8 certificate of title to the owner of the vehicle, or  
9 person entitled ~~thereto~~ to the certificate, of ~~such~~  
10 vehicle as provided in this chapter.

11 Sec. \_\_\_\_\_. Section 321.25, unnumbered paragraph 1,  
12 Code 1989, is amended to read as follows:

13 A vehicle may be operated upon the highways of this  
14 state without a registration ~~plates~~ plate for a period  
15 of thirty days after the date of delivery of the

16 vehicle to the purchaser from a dealer if a card  
17 bearing the words "registration applied for" is  
18 attached on the rear of the vehicle. The card shall  
19 have plainly stamped or stenciled the registration  
20 number of the dealer from whom the vehicle was  
21 purchased and the date of delivery of the vehicle. A  
22 dealer shall not issue a card to a person known to the  
23 dealer to be in possession of a registration plates  
24 plate which may be attached to the vehicle. A dealer  
25 shall not issue a card unless an application for  
26 registration and certificate of title has been made by  
27 the purchaser and a receipt issued to the purchaser of  
28 the vehicle showing the fee paid by the person making  
29 the application. Dealers' records shall indicate the  
30 agency to which the fee is sent and the date the fee  
31 is sent. The dealer shall forward the application by  
32 the purchaser to the county treasurer or state office  
33 within fifteen calendar days from the date of delivery  
34 of the vehicle.

35 Sec. \_\_\_\_\_. Section 321.26, subsection 2, Code 1989,  
36 is amended to read as follows:

37 2. The county treasurer may adjust the renewal or  
38 expiration date of vehicles when deemed necessary to  
39 equalize the number of vehicles registered in each  
40 twelve-month period or for the administrative  
41 efficiency of the county treasurer's office. The  
42 adjustment shall be accomplished by delivery of a  
43 written notice to the vehicle owner of the adjustment  
44 and allowance of a credit for the remaining months of  
45 the unused portion of the registration fee, rounded to  
46 the nearest whole dollar, which amount shall be  
47 deducted from the annual registration fee due at the  
48 time of registration. Upon receipt of the  
49 notification the owner shall, within thirty days,  
50 surrender the registration card and registration

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1 plates plate to the county treasurer of the county  
2 where the vehicle is registered, except that the  
3 registration plates plate shall not be surrendered if  
4 validation stickers or other emblems are used to  
5 designate the month and year of expiration of  
6 registration. Upon payment of the annual registration  
7 fee, less the credit allowed for the remaining months  
8 of the unused portion of the registration fee, the  
9 county treasurer shall issue a new registration card  
10 and registration plates plate, and validation  
11 stickers, or emblems which indicate the month and year  
12 of expiration of registration.

13 Sec. \_\_\_\_\_. Section 321.34, Code 1989, is amended to  
14 read as follows:

15 321.34 PLATES PLATE OR VALIDATION STICKER  
16 FURNISHED — RETAINED BY OWNER — SPECIAL PLATES.

17 1. PLATES PLATE ISSUED. The county treasurer upon  
18 receiving application, accompanied by proper fee, for  
19 registration of a vehicle shall issue to the owner one  
20 registration plate for a motoreyele, motorized  
21 bicycle, truck tractor, trailer, or semitrailer and  
22 two registration plates for every other the motor  
23 vehicle. The registration plates plate, including a  
24 special registration plates plate, shall be assigned  
25 to the owner of a the vehicle. When the owner of a  
26 registered vehicle transfers or assigns ownership of  
27 the vehicle to another person, the owner shall remove  
28 the registration plates plate from the vehicle. The  
29 owner shall forward the plates plate to the county  
30 treasurer where the vehicle is registered or the owner  
31 may have the plates plate assigned to another vehicle  
32 within thirty days after transfer, upon payment of the  
33 fees required by law. The owner shall immediately  
34 affix a registration plates plate retained by the  
35 owner to another vehicle owned or acquired by the  
36 owner, providing the owner complies with section  
37 321.46. The department shall adopt rules providing  
38 for the assignment of a registration plates plate to  
39 the transferee of a vehicle for which a credit is  
40 allowed under section 321.46, subsection 6.

41 2. VALIDATION STICKERS. In lieu of issuing a new  
42 registration plates plate each registration year for a  
43 vehicle renewing registration, the department may  
44 reassign the registration plates plate previously  
45 issued to the vehicle and may adopt and prescribe  
46 annual validation stickers indicating payment of  
47 registration fees. The department shall issue two  
48 validation stickers for each set of registration  
49 plates plate. One sticker shall specify the year of  
50 expiration of the registration period. The second

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1 sticker shall specify the month of expiration of the  
2 registration period and need not be reissued annually.  
3 The month of registration shall not be required on  
4 registration plates plate or validation stickers  
5 issued for vehicles registered under chapter 326. The  
6 stickers shall be displayed only on the rear  
7 registration plate, except that the stickers shall be  
8 displayed on the front registration plate of a truck-  
9 tractor.

10 The state department of transportation shall  
11 promulgate adopt rules to provide for the placement of  
12 motor vehicle registration validation stickers on all  
13 the registration plates plate issued for the a motor

14 vehicle when ~~such~~ the validation stickers are issued  
15 in lieu of issuing a new registration ~~plates~~ plate  
16 under the ~~provisions~~ of this section.

17 3. RADIO OPERATORS PLATES. The owner of an  
18 automobile, light delivery truck, panel delivery  
19 truck, or pickup who holds an amateur radio license  
20 issued by the federal communications commission may,  
21 upon written application to the county treasurer  
22 accompanied by a fee of five dollars, order a special  
23 registration ~~plates~~ plate bearing the call letters  
24 authorized for the radio station covered by the  
25 person's amateur radio license. When received by the  
26 county treasurer, ~~such~~ the special registration ~~plates~~  
27 plate shall be issued to the applicant in exchange for  
28 the registration ~~plates~~ plate previously issued to the  
29 person applicant. Not more than one set of special  
30 registration ~~plates~~ plate may be issued to an  
31 applicant. ~~Said~~ The fee shall be in addition to and  
32 not in lieu of the fee ~~for~~ regular registration ~~plates~~  
33 fee. ~~Special~~ The special registration ~~plates~~ plate  
34 must be surrendered upon expiration of the owner's  
35 amateur radio license and the owner ~~shall thereupon be~~  
36 is then entitled to the owner's regular registration  
37 plates plate. The county treasurer shall validate a  
38 special ~~plates~~ plate in the same manner as a regular  
39 registration ~~plates~~ plate, upon payment of five  
40 dollars in addition to the regular annual registration  
41 fee.

42 4. MULTIYEAR PLATES. In lieu of issuing annual  
43 registration plates for trailers and semitrailers, the  
44 department may issue multiyear registration plates for  
45 a three-year period or a six-year period for trailers  
46 and semitrailers licensed under chapter 326, upon  
47 payment of the appropriate registration fee. Fees  
48 from three-year and six-year payments shall not be  
49 reduced or prorated.

50 5. PERSONALIZED REGISTRATION PLATES.

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1 a. Upon application and the payment of a fee of  
2 twenty-five dollars, the director may issue to the  
3 owner of a motor vehicle registered in this state or a  
4 trailer or travel trailer registered in this state, a  
5 personalized registration ~~plates~~ plate marked with up  
6 to seven initials, letters, or a combination of  
7 numerals and letters requested by the owner. However,  
8 personalized registration plates for motorcycles and  
9 motorized bicycles shall be marked with no more than  
10 six initials, letters, or combinations of numerals and  
11 letters. Upon receipt of the personalized  
12 registration ~~plates~~ plate, the applicant shall

13 surrender the regular registration ~~plates~~ plate to the  
14 county treasurer. The fee for issuance of the  
15 personalized registration ~~plates~~ plate shall be in  
16 addition to the regular annual registration fee.

17 b. The county treasurer shall validate a  
18 personalized registration ~~plates~~ plate in the same  
19 manner as a regular registration ~~plates~~ are plate is  
20 validated under this section at an annual fee of five  
21 dollars in addition to the regular annual registration  
22 fee. A person may renew a personalized registration  
23 plate without paying the additional registration fee  
24 under paragraph "a" unless a new series of  
25 registration plates is being issued to replace a  
26 current series. A person renewing a personalized  
27 registration plate within one month following the time  
28 requirements under section 321.40 may renew the  
29 personalized plate without paying the additional  
30 registration fee under paragraph "a" but shall pay the  
31 five-dollar fee in addition to the regular  
32 registration fee and any penalties subject to regular  
33 registration plate holders for late renewal.

34 c. The fees collected by the director under this  
35 section shall be paid to the treasurer of state and  
36 credited by the treasurer of state as provided in  
37 section 321.145.

38 6. SAMPLE VEHICLE REGISTRATION PLATES. Vehicle  
39 registration plates displaying the general design of  
40 regular registration plates, with the word "sample"  
41 displayed on the each plate, may be furnished to any a  
42 person upon payment of a fee of three dollars for each  
43 plate, except that such the plates may be furnished to  
44 governmental agencies without cost. Sample A sample  
45 registration ~~plates~~ plate shall not be attached to a  
46 vehicle moved on the highways of this state.

47 7. HANDICAPPED PLATES. The owner of a motor  
48 vehicle subject to registration pursuant to section  
49 321.109, subsection 1, light delivery truck, panel  
50 delivery truck, or pickup, who is a handicapped person

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1 as defined in section 601E.1, may, upon written  
2 application to the department, order a special  
3 registration ~~plates~~ plate designed by the department  
4 bearing the international symbol of accessibility.  
5 The special registration ~~plates~~ plate shall only be  
6 issued if the application is accompanied with a  
7 statement from a physician licensed under chapter 148,  
8 150, or 150A, written on the physician's stationery,  
9 stating the nature of the applicant's handicap and  
10 such additional information as required by rules  
11 adopted by the department. If the application is

12 approved by the department the special registration  
13 ~~plates~~ plate shall be issued to the applicant in  
14 exchange for the previous registration ~~plates~~ plate  
15 issued to the ~~person~~ applicant. The fee for the  
16 special ~~plates~~ plate is five dollars which is in  
17 addition to the regular annual registration fee. The  
18 department shall validate ~~the~~ a special ~~plates~~ plate  
19 in the same manner as a regular registration ~~plates~~  
20 ~~are~~ plate is validated under this section at the  
21 regular annual registration fee. However, ~~the~~ a  
22 special ~~plates~~ plate shall not be renewed without the  
23 applicant furnishing evidence to the department that  
24 the owner of the motor vehicle is still a handicapped  
25 person as defined in section 601E.1, unless the  
26 applicant has previously provided satisfactory  
27 evidence to the department that the owner of the  
28 vehicle is permanently handicapped in which case the  
29 furnishing of additional evidence shall not be  
30 required for renewal. The special registration ~~plates~~  
31 plate shall be surrendered in exchange for a regular  
32 registration ~~plates~~ plate when the owner of the motor  
33 vehicle no longer qualifies as a handicapped person as  
34 defined in section 601E.1.

35 8. PRISONER OF WAR PLATES. The owner of a motor  
36 vehicle subject to registration under section 321.109,  
37 subsection 1, light delivery truck, panel delivery  
38 truck, or pickup who was a prisoner of war during the  
39 second world war at any time between December 7, 1941,  
40 and December 31, 1946, the Korean conflict at any time  
41 between June 25, 1950, and January 31, 1955, or the  
42 Vietnam conflict at any time between August 5, 1964,  
43 and June 30, 1973, all dates inclusive, may upon  
44 written application to the department, order a special  
45 registration ~~plates~~ plate designed by the department  
46 in co-operation with the adjutant general which ~~plates~~  
47 ~~signify~~ plate signifies that the applicant was a  
48 prisoner of war as defined in this subsection. Each  
49 An applicant applying for a special registration  
50 ~~plates~~ plate under this subsection may purchase only

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1 one set of registration ~~plates~~ plate under this  
2 subsection. The application is subject to approval by  
3 the department, in consultation with the adjutant  
4 general, and the special registration ~~plates~~ plate  
5 shall be issued to the applicant in exchange for the  
6 registration ~~plates~~ plate previously issued to the  
7 ~~person~~ applicant. The special plates shall contain  
8 the letters "POW" and three numerals and are subject  
9 to an annual registration fee of fifteen dollars. The  
10 department shall validate the special plates in the

11 same manner as regular registration plates are  
12 validated under this section.

13 9. NATIONAL GUARD PLATES. The owner of a motor  
14 vehicle subject to registration pursuant to section  
15 321.109, subsection 1, light delivery truck, panel  
16 delivery truck, or pickup who is a member of the  
17 national guard, as defined in chapter 29A, may upon  
18 written application to the department, order a special  
19 registration plates plate designed by the department  
20 in co-operation with the adjutant general which plates  
21 signify plate signifies that the applicant is a member  
22 of the national guard. The application shall be  
23 approved by the department, in consultation with the  
24 adjutant general, and the special registration plates  
25 plate shall be issued to the applicant in exchange for  
26 the registration plates plate previously issued to the  
27 person. The fee for the special plates shall be plate  
28 is five dollars which shall be in addition to the  
29 regular annual registration fee. The department shall  
30 validate the a special plates plate in the same manner  
31 as a regular registration plates are plate is  
32 validated under this section at the regular annual  
33 registration fee. Special A special registration  
34 plates plate shall be surrendered in exchange for a  
35 regular registration plates plate upon termination of  
36 the owner's membership in the active national guard.

37 10. COLLEGIATE PLATES.

38 a. Upon application and payment of the proper  
39 fees, the director may issue to the owner of a motor  
40 vehicle, trailer, or travel trailer registered in this  
41 state, a collegiate registration plates plate. Upon  
42 receipt of the collegiate registration plates plate,  
43 the applicant shall surrender the regular registration  
44 plates plate to the county treasurer.

45 b. Collegiate registration plates shall be  
46 designed for each of the three state universities.  
47 The collegiate registration plates shall be designated  
48 as follows:

49 (1) The letters "ISU" followed by a four-digit  
50 number all in cardinal on a gold background for Iowa

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1 State University of science and technology.

2 (2) The letters "UNI" followed by a four-digit  
3 number all in purple on a gold background for the  
4 University of Northern Iowa.

5 (3) The letters "UI" followed by a four-digit  
6 number all in black on a gold background for the state  
7 University of Iowa.

8 c. The fees for a collegiate registration plate  
9 are as follows:

10 (1) A registration fee of twenty-five dollars.

11 (2) A special collegiate registration fee of  
12 twenty-five dollars.

13 These fees are in addition to the regular annual  
14 registration fee. The fees collected by the director  
15 under this subsection shall be paid monthly to the  
16 treasurer of state and credited by the treasurer of  
17 state to the road use tax fund. Notwithstanding  
18 section 423.24 and prior to the application of section  
19 423.24, subsection 1, paragraph "b", the treasurer of  
20 state shall credit monthly from revenues derived from  
21 the operation of section 423.7, respectively, to Iowa  
22 State University of science and technology, the  
23 University of Northern Iowa, and the state University  
24 of Iowa, the amount of the special collegiate  
25 registration fees collected in the previous month for  
26 collegiate registration plates designed for the  
27 university. The moneys credited are appropriated to  
28 the respective universities to be used for  
29 scholarships for students attending the universities.

30 d. The county treasurer shall validate a  
31 collegiate registration ~~plates~~ plate in the same  
32 manner as a regular registration ~~plates~~ are plate is  
33 validated under this section at an annual fee of five  
34 dollars in addition to the regular annual registration  
35 fee.

36 11. CONGRESSIONAL MEDAL OF HONOR PLATES. The  
37 owner of a motor vehicle subject to registration under  
38 section 321.109, subsection 1, light delivery truck,  
39 panel delivery truck, or pickup who has been awarded  
40 the congressional medal of honor may, upon written  
41 application to the department, order a special  
42 registration ~~plates~~ plate which shall be red, white,  
43 and blue in color and shall bear an emblem of the  
44 congressional medal of honor and an identifying  
45 number. Each applicant applying for a special  
46 registration ~~plates~~ plate under this subsection may  
47 purchase only one set of registration ~~plates~~ plate  
48 under this subsection. The application is subject to  
49 approval by the department and the special  
50 registration ~~plates~~ plate shall be issued to the

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1 applicant in exchange for the registration ~~plates~~  
2 plate previously issued to the person. The special  
3 ~~plates~~ are subject to an annual registration fee of  
4 fifteen dollars. The department shall validate the  
5 special ~~plates~~ in the same manner as regular  
6 registration ~~plates~~ are validated under this section.  
7 The department shall not issue a special registration  
8 ~~plates~~ plate until service organizations in the state

9 have furnished the department either the special dies  
10 or the cost of the special dies necessary for the  
11 manufacture of the special registration plate.

12 Sec. \_\_\_\_\_. Section 321.37, unnumbered paragraph 1,  
13 Code 1989, is amended to read as follows:

14 Registration plates issued for a motor vehicle  
15 other than a motoreycle, motorized bicycle or a truck  
16 tractor shall be attached to the motor vehicle, one in  
17 the front and the other in the rear. The registration  
18 plate issued for a motor vehicle, motorcycle,  
19 motorized bicycle, or other vehicle required to be  
20 registered hereunder under this chapter, other than a  
21 truck tractor, shall be attached to the rear of the  
22 vehicle. The registration plate issued for a truck  
23 tractor shall be attached to the front of the truck  
24 tractor. The special plate issued to a dealer shall be  
25 attached on the rear of the vehicle when operated on  
26 the highways of this state.

27 Sec. \_\_\_\_\_. Section 321.38, Code 1989, is amended to  
28 read as follows:

29 321.38 PLATES, METHOD OF ATTACHING – IMITATIONS  
30 PROHIBITED.

31 Every A registration plate shall at all times be  
32 securely fastened in a horizontal position to the  
33 vehicle for which it is issued so as to prevent the  
34 plate from swinging and at a height of not less than  
35 twelve inches from the ground, measuring from the  
36 bottom of the plate, in a place and position to be  
37 clearly visible and shall be maintained free from  
38 foreign materials and in a condition to be clearly  
39 legible. An imitation A plate or plates imitating or  
40 purporting to imitate the official registration plate  
41 of any other state or territory of the United States  
42 or of any foreign government shall not be fastened to  
43 the rear of the vehicle.

44 Sec. \_\_\_\_\_. Section 321.41, unnumbered paragraph 3,  
45 Code 1989, is amended to read as follows:

46 A person who has registered a vehicle in a county,  
47 other than the county designated on the vehicle  
48 registration plate, may apply to the county treasurer  
49 where the vehicle is registered for a new registration  
50 plates plate upon payment of a fee of five dollars and

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1 the return of the former county registration plates  
2 plate.

3 Sec. \_\_\_\_\_. Section 321.42, unnumbered paragraph 1,  
4 Code 1989, is amended to read as follows:

5 If a registration card, or registration plate, or  
6 pair of plates is lost or becomes illegible, the owner  
7 shall immediately apply for replacement. The fee for

8 a replacement registration card shall be is three  
9 dollars. The fee for a replacement registration plate  
10 or pair of plates shall be is five dollars. When the  
11 owner has furnished information required by the  
12 department and paid the proper fee, a duplicate,  
13 substitute, or new registration card, or registration  
14 plate, or pair of plates may be issued.

15 Sec. \_\_\_\_\_. Section 321.47, unnumbered paragraph 2,  
16 Code 1989, is amended to read as follows:

17 ~~Whenever~~ If ownership of a vehicle is transferred  
18 under the provisions of this section the registration  
19 plates plate shall be removed and forwarded to the  
20 county treasurer of the county where the vehicle is  
21 registered or to the department if the vehicle is  
22 owned by a nonresident. Upon transfer the vehicle  
23 shall not be operated upon the highways of this state  
24 until the person entitled to possession of the vehicle  
25 applies for and obtains registration for the vehicle.

26 Sec. \_\_\_\_\_. Section 321.52, subsection 1, Code 1989,  
27 is amended to read as follows:

28 1. When a vehicle is sold outside the state for  
29 purposes other than for junk the owner, dealer or  
30 otherwise, shall detach the registration plates plate  
31 and registration card and shall indicate on the  
32 reverse side of ~~such~~ the registration card the name  
33 and address of the foreign purchaser or transferee  
34 over the person's signature. The owner shall  
35 surrender the registration plates plate and  
36 registration card to the county treasurer, unless the  
37 registration plates are plate is properly attached to  
38 another vehicle, ~~who~~. The county treasurer shall  
39 cancel the records, and shall destroy the registration  
40 plates plate, and forward the registration card to the  
41 department. The department shall make a notation on  
42 the records of the out-of-state sale, and, after a  
43 reasonable period, may destroy the files ~~to for~~ that  
44 particular vehicle. The department is ~~not~~ authorized  
45 ~~to~~ shall not make a refund of license fees on a  
46 vehicle sold out of state unless it receives the  
47 registration card completed as provided in this  
48 section.

49 Sec. \_\_\_\_\_. Section 321.52, subsection 3, unnumbered  
50 paragraph 1, Code 1989, is amended to read as follows:

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1 When a vehicle for which a certificate of title is  
2 issued is junked or dismantled by the owner, the owner  
3 shall detach the registration plates plate and  
4 surrender the plates plate to the county treasurer,  
5 unless the plates are plate is properly assigned to  
6 another vehicle. The owner shall also surrender the

7 certificate of title to the county treasurer. Upon  
8 ~~surrendering~~ receiving the certificate of title, the  
9 county treasurer shall issue to the person, without  
10 fee, a junking certificate, which shall authorize the  
11 holder to possess, transport, or transfer ownership of  
12 the junked vehicle by endorsement of the junking  
13 certificate. The county treasurer shall hold the  
14 surrendered certificate of title, registration receipt  
15 and, if applicable, the registration ~~plates~~ plate for  
16 a period of fourteen days following the issuance of a  
17 junking certificate under this subsection. Within the  
18 fourteen-day period the person who was issued the  
19 junking certificate and to whom the vehicle was titled  
20 or assigned may surrender to the county treasurer the  
21 junking certificate, and upon the person's payment of  
22 appropriate fees and taxes and payment of any credit  
23 for registration fees received by the person for the  
24 vehicle under section 321.46, subsection 3, the county  
25 treasurer shall issue to the person a certificate of  
26 title for the vehicle. After the expiration of the  
27 fourteen-day period, a county treasurer shall not  
28 issue a certificate of title for a junked vehicle for  
29 which a junking certificate is issued. The county  
30 treasurer shall cancel the record of the vehicle and  
31 forward the certificate of title to the department.

32 Sec. \_\_\_\_\_. Section 321.57, unnumbered paragraph 3,  
33 Code 1989, is amended to read as follows:

34 Also a transporter may operate or move any a  
35 vehicle of like type upon the highways solely for the  
36 purpose of delivery upon likewise displaying ~~thereon~~  
37 on the vehicle a like plates plate issued to the  
38 transporter as provided in these sections.

39 Sec. \_\_\_\_\_. Section 321.89, subsection 1, paragraph  
40 b, subparagraph (1), Code 1989, is amended to read as  
41 follows:

42 (1) A vehicle that has been left unattended on  
43 public property for more than forty-eight hours and  
44 lacks a current registration plates plate or two or  
45 more wheels or other parts which renders the vehicle  
46 totally inoperable, or

47 Sec. \_\_\_\_\_. Section 321.98, Code 1989, is amended to  
48 read as follows:

49 321.98 OPERATION WITHOUT REGISTRATION.

50 ~~No~~ A person shall not operate, nor shall an owner

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1 knowingly permit to be operated upon any a highway any  
2 a vehicle required to be registered and titled  
3 hereunder under this chapter unless there ~~shall be~~ is  
4 attached thereto to and displayed thereon on the  
5 vehicle when and as required by this chapter a valid

6 registration card and registration plate ~~or plates~~  
 7 issued ~~therefor~~ for the current registration year and  
 8 unless a certificate of title has been issued for ~~such~~  
 9 the vehicle, except as otherwise expressly permitted  
 10 in this chapter. Any A violation of this section is a  
 11 simple misdemeanor.

12 Sec. \_\_\_\_\_. Section 321.103, Code 1989, is amended  
 13 to read as follows:

14 321.103 OWNER TO RETURN EVIDENCES OF REGISTRATION  
 15 AND TITLE.

16 ~~Whenever~~ When the department as authorized  
 17 ~~hereunder in this chapter~~ cancels, suspends, or  
 18 revokes the registration of a vehicle, ~~or certificate~~  
 19 of title, ~~or registration card, or registration plate~~  
 20 ~~or plates, or any a~~ nonresident or other permit, or  
 21 the registration of any a dealer, the owner or person  
 22 in possession of the same shall immediately return the  
 23 ~~evidences~~ evidence of registration, certificate of  
 24 title, or ~~plates~~ plate so canceled, suspended, or  
 25 revoked to the department.

26 Sec. \_\_\_\_\_. Section 321.104, subsection 3, Code  
 27 1989, is amended to read as follows:

28 3. To fail to surrender a certificate of title,  
 29 registration card, or registration ~~plates~~ plate upon  
 30 cancellation, suspension, or revocation of the  
 31 certificate or registration by the department and  
 32 notice as prescribed in this chapter.

33 Sec. \_\_\_\_\_. Section 321.105, unnumbered paragraph 2,  
 34 Code 1989, is amended to read as follows:

35 The registration fee shall be paid to the county  
 36 treasurer at the same time the application is made for  
 37 the registration or reregistration of the motor  
 38 vehicle or trailer. An owner may, when applying for  
 39 registration or reregistration of a motor vehicle or  
 40 trailer, request that the ~~plates~~ plate be mailed to  
 41 the owner's post-office address. The owner's request  
 42 shall be accompanied by a mailing fee as determined  
 43 annually by the director.

44 Sec. \_\_\_\_\_. Section 321.126, subsections 1, 3, and  
 45 4, Code 1989, are amended to read as follows:

46 1. If the motor vehicle is destroyed by fire or  
 47 accident, or junked and its identity as a motor  
 48 vehicle entirely eliminated, the owner in whose name  
 49 the motor vehicle was registered at the time of  
 50 destruction or dismantling shall return the ~~plates~~

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1 registration plate to the department and within thirty  
 2 days ~~thereafter~~ make a statement of ~~such~~ the  
 3 destruction or dismantling and make claim for refund.  
 4 With reference to the destruction or dismantling of a

5 vehicle, ~~no~~ a refund shall not be allowed unless a  
6 junking certificate has been issued, as provided in  
7 section 321.52.

8 3. If the motor vehicle is placed in storage by  
9 the owner upon the owner's entry into the military  
10 service of the United States, the owner shall return  
11 the ~~plates~~ registration plate to the county treasurer  
12 or the department and make a statement regarding the  
13 storage and military service and make claim for  
14 refund. ~~Whenever~~ When the owner of a motor vehicle so  
15 placed in storage desires to again register the  
16 vehicle, the county treasurer or department shall  
17 compute and collect the fees for registration for the  
18 registration year commencing in the month the vehicle  
19 is removed from storage.

20 4. If the motor vehicle is registered by the  
21 county treasurer during the current registration year  
22 and the owner or lessee registers the vehicle for  
23 proportional registration under chapter 326, the owner  
24 of the registered vehicle shall surrender the  
25 registration ~~plates~~ plate to the county treasurer and  
26 may file a claim for refund. In lieu of a refund, a  
27 credit for the registration fees paid to the county  
28 treasurer may be applied by the department to the  
29 owner or lessee's proportional registration fees upon  
30 the surrender of the county ~~plates~~ plate and  
31 registration.

32 Sec. \_\_\_\_\_. Section 321.134, unnumbered paragraph 1,  
33 Code 1989, is amended to read as follows:

34 On the first day of the second month following the  
35 beginning of each registration year a penalty of five  
36 percent of the annual registration fee shall be added  
37 to the registration fees not paid by that date and an  
38 additional penalty of five percent shall be added the  
39 first day of each succeeding month, until the fee is  
40 paid. A penalty shall not be less than five dollars.  
41 If the owner of a vehicle surrenders the registration  
42 ~~plates~~ plate for a vehicle prior to the ~~plates~~ plate  
43 becoming delinquent, to the county treasurer of the  
44 county where the vehicle is registered, or to the  
45 department if the vehicle is registered under chapter  
46 326, the owner may register the vehicle any time  
47 thereafter upon payment of the registration fee for  
48 the registration year without penalty. The penalty on  
49 vehicles registered under chapter 326 shall accrue  
50 accrues February 1 of each year.

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1 Sec. \_\_\_\_\_. Section 321.166, subsections 2 and 6,  
2 Code 1989, are amended to read as follows:  
3 2. Every A registration plate ~~or pair of plates~~

4 shall display a registration plate number which shall  
 5 consist of alphabetical or numerical characters or a  
 6 combination thereof and the name of this state, which  
 7 may be abbreviated. Every A registration plate issued  
 8 by the county treasurer shall display the name of the  
 9 county, except plates issued for truck tractors,  
 10 motorcycles, motorized bicycles, travel trailers,  
 11 semitrailers, and trailers. The year of expiration or  
 12 the date of expiration shall be displayed on vehicle  
 13 registration plates, except plates issued under  
 14 section 321.19. Special truck registration plates  
 15 shall display the word "special".

16 6. Registration plates A registration plate issued  
 17 to a disabled veteran under the provisions of section  
 18 321.105, shall display the alphabetical characters  
 19 "DV" which shall precede the registration plate  
 20 number. The plates plate may also display a  
 21 handicapped identification sticker if issued to the  
 22 disabled veteran by the department under section  
 23 601E.6."

24 2. Page 1, by inserting after line 13 the  
 25 following:

26 "Sec. \_\_\_\_\_. Section 326.15, subsections 1 and 2,  
 27 Code 1989, are amended to read as follows:

28 1. If the motor vehicle is destroyed by fire or  
 29 accident, or junked and its identity as a motor  
 30 vehicle is entirely eliminated, the owner in whose  
 31 name the motor vehicle was registered at the time of  
 32 destruction or dismantling shall return the plates  
 33 plate to the department and make a claim for refund.  
 34 A refund is not allowed unless a junking certificate  
 35 has been issued, as provided in section 321.52.

36 2. If the motor vehicle is removed from the  
 37 apportioned fleet, the owner in whose name the motor  
 38 vehicle was registered shall return the plates plate  
 39 to the department and make a claim for refund. A  
 40 refund shall not be allowed without documentation of  
 41 the subsequent registration of the motor vehicle.

42 Sec. \_\_\_\_\_. Section 326.17, Code 1989, is amended to  
 43 read as follows:

44 326.17 IOWA BASE PLATES.

45 Resident fleet owners shall be required to list  
 46 Iowa as the base state for all commercial vehicles  
 47 which qualify under the term "base state" as defined  
 48 in this chapter, and Iowa base plates shall be  
 49 displayed on all such commercial vehicles.

50 Nonresident fleet owners subject to proportional

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1 registration shall display an Iowa base plates plate  
 2 if the commercial vehicle qualifies as an Iowa based

3 vehicle as defined in this chapter.

4 Sec. \_\_\_\_\_. Section 326.22, Code 1989, is amended to  
5 read as follows:

6 326.22 OPERATIONAL LAWS OF IOWA APPLICABLE.

7 A nonresident registered vehicle is subject to all  
8 laws and rules governing the operation of ~~such the~~ the  
9 vehicle on the highways of this state. The  
10 registration number ~~plates~~ plate, stickers, or other  
11 identification assigned and furnished to ~~any~~ a vehicle  
12 for the current registration year by the state in  
13 which the vehicle is registered shall be displayed on  
14 the vehicle substantially as provided in chapter 321  
15 for vehicles registered pursuant to the ~~provisions of~~  
16 this chapter. In addition, a fee set by the  
17 department to cover actual cost shall be charged for  
18 each plate, sticker, or other identification furnished  
19 for each vehicle registered in accordance with the  
20 ~~provisions of this section or extended reciprocity in~~  
21 accordance with the ~~provisions of this section.~~ A  
22 charge shall not be made for the initial registration  
23 receipt or cab card issued for each vehicle registered  
24 pursuant to an apportionment registration agreement.  
25 A fee set by the department to cover actual costs  
26 shall be charged for issuance of duplicate plates,  
27 stickers or other identification required, duplicate  
28 registration receipts, and duplicate cab cards.

29 Sec. \_\_\_\_\_. Section 601E.6, subsection 1, unnumbered  
30 paragraph 2, Code 1989, is amended to read as follows:

31 A handicapped person who has been issued a  
32 registration ~~plates~~ plate as a seriously disabled  
33 veteran under the ~~provisions of section 321.105 may~~  
34 apply to the department for a handicapped  
35 identification ~~stickers~~ sticker to be affixed to the  
36 ~~plates~~ plate. The handicapped identification ~~stickers~~  
37 sticker shall bear the international symbol of  
38 accessibility. The handicapped identification  
39 stickers shall be acquired by the department and sold  
40 at cost, not to exceed five dollars, to eligible  
41 handicapped persons upon application on forms  
42 prescribed by the department.

43 Sec. \_\_\_\_\_. This Act takes effect July 1 following  
44 its enactment and, except for sections amending  
45 section 321.216 of the Code and creating section  
46 321.216A, applies to registration plates issued on or  
47 after its effective date."

48 3. Title page, line 1, by inserting after the  
49 word "to" the following: "motor vehicles by providing  
50 for the issuance of a single registration plate and

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1 proscribing".

2 4. Title page, line 1, by inserting after the  
3 word "of" the word "certain".

Beaman of Clarke rose on a point of order that amendment H—3969 was not germane.

The Speaker ruled the point well taken and amendment H—3969 not germane.

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. 121)

The ayes were, 95:

Adams	Avenson, Spkr.	Banks	Beaman
Bennett	Bisignano	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Neuhauser	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Tabor	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Arnould	Beatty	Black	Clark
Hermann			

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 release of child abuse information to certain individuals, with report of committee recommending passage was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 129)

The ayes were, 97:

Adams	Avenson, Spkr.	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Neuhauser	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Teaford
Trent	Tyrrell	Van Maanen	Wise
Tabor			
Presiding			

The nays were, none.

Absent or not voting, 3:

Arnould	Clark	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 694 WITHDRAWN

Doderer of Johnson asked and received unanimous consent to withdraw House File 694 from further consideration by the House.

**Senate File 199**, a bill for an act relating to child day care by amending certain definitions and certain requirements for group day care homes, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—3877 filed by the committee on human resources:

H—3877

- 1 Amend Senate File 199, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 27, by striking the words "more
- 4 than".
- 5 2. Page 1, line 28, by inserting after the word
- 6 "twelve" the following: "or more".

Teaford of Black Hawk offered the following amendment H—3953, to the committee amendment H—3877, filed by her and moved its adoption:

H—3953

- 1 Amend the amendment, H—3877, to Senate File 199, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 through 6 and
- 5 inserting the following:
- 6 "\_\_\_\_\_. Page 1, by striking lines 27 through 30 and
- 7 inserting the following: "present for more than a
- 8 two-hour period. However, a group day care home may
- 9 provide care to no more than sixteen children at one
- 10 time for a period of one hour or less if no more than
- 11 six of the children are not attending school on at
- 12 least the kindergarten level and the "."

Amendment H—3953 was adopted.

Buhr of Polk asked and received unanimous consent that Senate File 199 be deferred and that the bill be placed on the unfinished business calendar.

(The committee amendment H—3877, as amended, pending.)

### SPECIAL PRESENTATION

Carpenter of Polk presented to the House the members of the Christ Church Choir from Oxford, England. The Christ Church Choir was founded in 1526 and the men and boys sing daily in the ancient cathedral.

The Choir is under the direction of Stephen Darlington and the young boys range in age from eight to twelve. Together with the men they are on a three week tour of North America.

The Choir entertained the House with a beautiful song and also performed in the rotunda at noon.

The House rose and expressed its welcome.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(Senate File 118)

Halvorson of Webster and Renaud of Polk asked and received unanimous consent to withdraw their motions to reconsider Senate File 118, a bill for an act relating to the administration of the state's liquor control laws by the alcoholic beverages division of the department of commerce, filed by them on April 10, 1989.

On motion by Buhr of Polk, the House was recessed at 11:14 a.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:

Halvorson of Webster on request of Connolly of Dubuque; Johnson of Winneshiek on request of Arnould of Scott, both until their arrival; Neuhauser of Johnson on request of Trent of Muscatine, for the remainder of the day and April 13 and 14.

**SENATE MESSAGE CONSIDERED**

**Senate File 138**, by Jensen, a bill for an act to change the name of the county board of supervisors to the board of county commissioners.

Read first time and referred to committee on **local government**.

**REFERRED TO COMMITTEE**  
(Senate File 24)

The Speaker announced that Senate File 24, presently on the **regular calendar**, was referred to the committee on **appropriations**.

**CONSIDERATION OF BILLS**  
Regular Calendar

**Senate File 300**, a bill for an act relating to the annexation of territory including secondary roads, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—3758 filed by him:

H—3758

- 1 Amend Senate File 300 as amended, passed, and
- 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 368.19, unnumbered paragraph 1,  
6 Code 1989, is amended to read as follows:

7 The committee shall approve or disapprove the  
8 petition or plan as amended, within ninety days of the  
9 final hearing, and shall file its decision for record  
10 and promptly notify the parties to the proceeding of  
11 its decision. If a petition or plan is approved, the  
12 board shall set a date within ninety days for a  
13 special election on the proposal and the county  
14 commissioner of elections shall conduct the election.  
15 In a case of incorporation or discontinuance,  
16 qualified electors of the territory or city may vote,  
17 and the proposal is authorized if a majority of those  
18 voting approves it. In a case of annexation or  
19 severance, qualified electors of the territory and of  
20 the city may vote, and the proposal is authorized if a  
21 majority of the total number of persons voting  
22 approves it only if it receives a favorable majority  
23 vote in the city and a favorable majority vote in the  
24 territory. In a case of consolidation, qualified  
25 electors of each city to be consolidated may vote, and  
26 the proposal is authorized only if it receives a  
27 favorable majority vote in each city. The county  
28 commissioner of elections shall publish notice of the  
29 election as provided in section 49.53 and shall  
30 conduct the election in the same manner as other  
31 special city elections."

32 2. Title page, by striking lines 1 and 2 and  
33 inserting the following: "An Act relating to city  
34 development, including the annexation and severance of  
35 territory, and amending the definition of  
36 "territory"."

37 3. By numbering and renumbering as necessary.

Fuller of Hardin rose on a point of order that amendment H—3758 was not germane.

The Speaker ruled the point well taken and amendment H—3758 not germane.

Fuller of Hardin offered the following amendment H—3939 filed by him and Royer of Page:

H—3939

1 Amend Senate File 300, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 9 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 368.5, Code 1989, is amended by

6 adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. Territory owned by a  
 8 county may be annexed, but the county attorney of that  
 9 county must be served with notice of the hearing and a  
 10 copy of the proposal.  
 11 Sec. \_\_\_\_\_. APPLICABILITY.  
 12 This Act applies to actions taken pursuant to  
 13 chapter 368 which commence after the effective date of  
 14 this Act.”

Fuller of Hardin offered the following amendment H—3956, to amendment H—3939, filed by him and moved its adoption:

H—3956

1 Amend the amendment, H—3939, to Senate File 300, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 7, by inserting after the word  
 5 “Territory” the following: “within the road right-of-  
 6 way”.

Amendment H—3956 was adopted.

On motion by Fuller of Hardin, amendment H—3939, as amended, 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?” (S.F. 300)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken

Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Clark	Doderer	Fey	Halvorson, R. N.
Johnson	Neuhauser		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 412**, a bill for an act relating to the medical assistance subrogation rights of the department of human services, with report of committee recommending passage 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?" (S.F. 412)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cphoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Blanshan	Clark	Doderer	Halvorson, R. N.
Johnson	Kistler	Neuhauser	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 475**, a bill for an act relating to Article 8 of the Uniform Commercial Code, by including both certificated and uncertificated securities within the scope of Article 8, and by making conforming amendments to Articles 1, 5, and 9, with report of committee recommending passage 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?" (S.F. 475)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Clark	Halvorson, R. N.	Hermann	Johnson
Neuhauser	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 83**, a bill for an act relating to the prohibition of plastic beverage cans, and providing a penalty, 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. 83)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Osterberg	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Mr. Speaker	
		Avenson	

The nays were, 2:

Maulsby	Pellett
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Absent or not voting, 7:

Clark	Hermann	Johnson	Neuhauser
Ollie	Tabor	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 343**, a bill for an act relating to recovery of merchandise or damages and providing for civil penalties, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered the following amendment H—3912 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3912

- 1 Amend Senate File 343, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 35, by inserting after the word
- 4 "costs" the following: ", not to exceed two hundred
- 5 dollars,".
- 6 2. Page 2, by inserting after line 2 the
- 7 following:
- 8 "2. Damages awarded under this section shall be
- 9 reduced by any amount received by the owner pursuant
- 10 to court ordered restitution under chapter 232A or
- 11 910."
- 12 3. Page 2, line 3, by striking the figure "2" and
- 13 inserting the following: "3".

The committee amendment H—3912 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. 343)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Clark	Johnson	Neuhauser	Sherzan
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 346**, a bill for an act relating to the adoption by the division of labor services of the department of employment services of rules based on the most recent federal occupational safety and health administration's standards, with report of committee recommending passage was taken up for consideration.

Lykam of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 346)

The ayes were, 90:

Adams	Arnould	Banks	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalfe	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist

Spear	Spenner	Stromer	Svoboda
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Beaman	Clark	Eddie	Harbor
Johnson	Neuhauser	Sherzan	Stueland
Swartz	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 442**, a bill for an act relating to rules adopted under section 321.450 as they relate to physical and medical qualifications of drivers of commercial vehicles engaged in intrastate commerce and to retail dealers and their employees delivering fertilizers, petroleum products, and pesticides to farm customers and providing an effective date, with report of committee recommending passage was taken up for consideration.

Connors of Polk offered the following amendment H—3964 filed by him:

H—3964

- 1 Amend Senate File 442, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 13, by inserting before the word
- 4 "shall" the following: "pertaining to physical and
- 5 medical qualifications of drivers of commercial
- 6 vehicles".
- 7 2. Page 1, line 15, by inserting after the word
- 8 "pesticides" the following: "intrastate".

Peters of Woodbury in the chair at 2:42 p.m.

Connors of Polk moved the adoption of amendment H—3964.

A non-record roll call was requested.

The ayes were 16, nays 51.

Amendment H—3964 lost.

Brown of Lucas offered the following amendment H—3967 filed by Brown, et al.:

H—3967

- 1 Amend Senate File 442, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 19 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 321.450, Code 1989, is amended  
6 by adding the following new unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. Municipal sewage sludge  
8 ash is deemed to be a potentially hazardous waste.  
9 Municipal sewage sludge ash shall not be transported  
10 by a person on the highways beyond a thirty-mile  
11 radius from its point of origin."

12 2. Title page, line 1, by inserting after the  
13 word "to" the following: "transportation of hazardous  
14 materials, including".

15 3. Title page, line 6, by inserting after the  
16 word "date" the following: "and making penalties  
17 applicable."

Spenner of Henry rose on a point of order that amendment H—3967 was not germane.

The Speaker ruled the point well taken and amendment H—3967 not germane.

Arnould of Scott moved that the rules be suspended to consider amendment H—3967.

A non-record roll call was requested.

The ayes were 53, nays 34.

The motion prevailed and the rules were suspended to consider amendment H—3967.

Brown of Lucas moved the adoption of amendment H—3967.

Roll call was requested by Brown of Lucas and Jesse of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H—3967 be adopted?"  
(S.F. 442)

The ayes were, 47:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Cohoon
Connolly	Connors	Diemer	Doderer
Dvorsky	Fey	Groninga	Hammond
Harper	Hatch	Haverland	Holveck
Jay	Jesse	Jochum	Knapp
Lykam	May	McKinney	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.

Poncy	Rosenberg	Schrader	Shearer
Shoultz	Spear	Swartz	Tabor
Teaford	Wise	Peters	
		Presiding	

The nays were, 48:

Banks	Beaman	Bennett	Branstad
Carpenter	Chapman	Corbett	Daggett
De Groot	Eddie	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hibbard	Kistler	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
Mertz	Metcalf	Miller	Muhlbauer
Pellett	Petersen, D. F.	Plasier	Renaud
Renken	Royer	Schneklloth	Shoning
Siegrist	Spenner	Stromer	Stueland
Svoboda	Trent	Tyrrell	Van Maanen

Absent or not voting, 5:

Clark	Halvorson, R. N.	Johnson	Neuhauser
Sherzan			

Amendment H — 3967 lost.

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. 442)

The ayes were, 79:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Buhr
Chapman	Connors	Corbett	Daggett
De Groot	Diemer	Eddie	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Jay	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Ollie	Osterberg
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Royer	Schneklloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Peters	
		Presiding	

The nays were, 14:

Bisignano	Carpenter	Cohoon	Connolly
Doderer	Dvorsky	Fey	Hammond
Hansen, S. D.	Holveck	Nielsen	Rosenberg
Shoultz	Teaford		

Absent or not voting, 7:

Beatty	Brown	Clark	Halvorson, R. N.
Jesse	Johnson	Neuhauser	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 462**, a bill for an act relating to credit transactions by changing the maximum service fee on loans by industrial loan companies, by changing the maximum finance charge for certain consumer loans pursuant to open-end credit, 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. 462)

The ayes were, 60:

Arnould	Avenson, Spkr.	Beaman	Bennett
Bisignano	Blanshan	Brammer	Brand
Branstad	Brown	Carpenter	Chapman
Cohoon	Connolly	Daggett	Diemer
Doderer	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hibbard	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Pavich
Pellett	Petersen, D. F.	Poncy	Renken
Schneklath	Sherzan	Shoning	Spear
Spenner	Stromer	Stueland	Swartz
Trent	Tyrrell	Wise	Peters
			Presiding

The nays were, 35:

Adams	Banks	Beatty	Black
Buhr	Connors	Corbett	De Groot
Dvorsky	Eddie	Hammond	Hansen, S. D.

Haverland	Hester	Holveck	Jay
Jesse	Kistler	Maulsby	McKean
Nielsen	Ollie	Osterberg	Peterson, M. K.
Plasier	Renaud	Rosenberg	Royer
Schrader	Shearer	Shoultz	Siegrist
Svoboda	Teaford	Van Maanen	

Absent or not voting, 5:

Clark	Halvorson, R. N.	Johnson	Neuhauser
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 14**, a bill for an act relating to manicuring, providing for the licensing of manicurists, and providing properly related matters, with report of committee recommending amendment and passage was taken up for consideration.

Renaud of Polk offered the following amendment H—3849 filed by the committee on state government:

H—3849

1 Amend Senate File 14, 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 157.2, Code 1989, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 7. Persons who manicure  
 8 fingernails. A licensed beauty salon or licensed  
 9 barbershop may employ a person as a manicurist. No  
 10 license shall be required for a manicurist.  
 11 Sec. 2. Section 157.5, Code 1989, is amended by  
 12 adding the following new unnumbered paragraph:  
 13 NEW UNNUMBERED PARAGRAPH. The rules of the board  
 14 shall include a provision whereby a license to  
 15 practice electrolysis may be granted by reciprocity or  
 16 endorsement to a person who is licensed in another  
 17 state to practice electrolysis. The provision shall  
 18 not require that the person be licensed as a  
 19 cosmetologist if the other state does not impose that  
 20 requirement.  
 21 Sec. 3. Section 714.18, subsection 1, Code 1989,  
 22 is amended to read as follows:  
 23 1. A continuous corporate surety bond to the state  
 24 of Iowa in the sum of fifty thousand dollars or ten  
 25 percent of the total annual tuition collected,  
 26 whichever is less, conditioned for the faithful  
 27 performance of all contracts and agreements with  
 28 students made by such person, firm, association, or

29 corporation, or their salespersons; ~~provided, however,~~  
 30 ~~that the.~~ A person, firm, association, or corporation  
 31 desiring to file a surety bond based on a percentage  
 32 of annual tuition shall provide to the director of the  
 33 department of education, in the form prescribed by the  
 34 director, a notarized statement attesting to the total  
 35 amount of tuition collected in the preceding twelve-  
 36 month period. The director shall determine the  
 37 sufficiency of the statement and the amount of the  
 38 bond. Tuition information submitted pursuant to this  
 39 subsection shall be kept confidential.

40 If the person, firm, association, or corporation  
 41 has filed a performance bond with an agency of the  
 42 United States government pursuant to federal law, the  
 43 director of the department of education shall reduce  
 44 the bond required by this subsection by an amount  
 45 equal to the amount of the federal bond.

46 **PARAGRAPH DIVIDED.** The aggregate liability of the  
 47 surety for all breaches of the conditions of the bond  
 48 shall, in no event, not exceed the sum of said the  
 49 bond. The surety on the bond shall have the right to  
 50 may cancel said the bond upon giving thirty days'

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1 written notice to the director of the department of  
 2 education and thereafter shall be relieved of  
 3 liability for any breach of condition occurring after  
 4 the effective date of said the cancellation.

5 The director of the department of education may  
 6 accept a letter of credit from a bank in lieu of the  
 7 corporate surety bond required by this subsection.

8 Sec. 4. Section 714.19, subsection 9, Code 1989,  
 9 is amended by striking the subsection."

10 2. Title page, by striking lines 1 and 2 and  
 11 inserting the following: "An Act relating to  
 12 regulation, including the regulation of educational  
 13 services and of practice professions."

Bisignano of Polk offered the following amendment H—3929, to the committee amendment H—3849, filed by him and moved its adoption:

**H—3929**

1 Amend the amendment, H—3849, to Senate File 14, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by inserting before line 5 the  
 5 following:

6 "Section 1. Section 147.80, subsection 14, Code  
 7 1989, is amended to read as follows:

8 14. License to practice cosmetology issued upon

9 the basis of an examination given by the board of  
 10 cosmetology examiners, license to practice cosmetology  
 11 under a reciprocal agreement, renewal of a license to  
 12 practice cosmetology, temporary permit to practice as  
 13 a cosmetology trainee, original license to conduct a  
 14 school of cosmetology, renewal of license to conduct a  
 15 school of cosmetology, original license to operate a  
 16 beauty salon, renewal of a license to operate a beauty  
 17 salon, original license and examination to practice  
 18 electrolysis, renewal of a license to practice  
 19 electrolysis, original license to practice manicuring,  
 20 renewal of a license to practice manicuring, annual  
 21 inspection of a school of cosmetology, annual  
 22 inspection of a beauty salon, original cosmetology  
 23 school instructor's license, renewal of cosmetology  
 24 school instructor's license."

25 2. Page 1, line 6, by striking the word  
 26 "subsection" and inserting the following:  
 27 "subsections".

28 3. Page 1, by striking lines 7 through 10 and  
 29 inserting the following:

30 "NEW SUBSECTION. 7. Persons licensed as  
 31 manicurists pursuant to this chapter, when manicuring  
 32 the nails of any person.

33 NEW SUBSECTION. 8. Employees of a licensed  
 34 barbershop when manicuring fingernails, if permitted  
 35 under section 158.14, subsection 2."

36 4. Page 1, by inserting after line 20 the  
 37 following:

38 "Sec. \_\_\_\_\_. NEW SECTION. 157.16 MANICURISTS.

39 The department shall issue a license to practice  
 40 manicuring to any person who submits proof of  
 41 successful completion of a course of at least forty  
 42 hours of training relating to manicuring in a licensed  
 43 school of cosmetology or licensed barber school. The  
 44 board shall adopt rules defining the course of study  
 45 for a manicurist and the practices which a licensed  
 46 manicurist may perform.

47 The applicant shall pay a license fee as determined  
 48 by the board under section 147.80.

49 The rules of the board shall include a provision  
 50 whereby a license to practice manicuring may be

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1 granted by reciprocity or endorsement to a person who  
 2 is licensed in another state to practice manicuring.

3 Sec. \_\_\_\_\_. Section 158.14, Code 1989, is amended to  
 4 read as follows:

5 158.14 MANICURISTS.

6 1. A licensed barbershop may employ a person who  
 7 is not a licensed ~~cosmetologist~~ manicurist to manicure

8 the fingernails of any person.

9 2. An unlicensed person who was employed by a  
 10 licensed barbershop to manicure fingernails prior to  
 11 the effective date of this Act may continue such  
 12 employment without meeting licensing requirements  
 13 under chapter 157."

14 5. By numbering and renumbering as necessary.

Amendment H—3929 lost.

Bigignano of Polk offered the following amendment H—3936, to the committee amendment H—3849, filed by him and moved its adoption:

H—3936

1 Amend the amendment, H—3849, to Senate File 14, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, by striking lines 11 through 20 and  
 5 inserting the following:

6 "Sec. \_\_\_\_\_. Section 157.2, Code 1989, is amended by  
 7 adding the following new subsection:

8 NEW SUBSECTION. 8. Persons licensed as  
 9 electrologists pursuant to section 157.5, when  
 10 practicing electrolysis as described in that section.

11 Sec. \_\_\_\_\_. Section 157.5, Code 1989, is amended to  
 12 read as follows:

13 157.5 LICENSE TO PRACTICE ELECTROLYSIS.

14 An applicant for a license to practice cosmetology  
 15 A person may obtain a license from the department for  
 16 authority to remove superfluous hair by the use of the  
 17 electric needle or electronic process by presenting to  
 18 the board a diploma, or similar evidence, from a  
 19 licensed school of cosmetology, or from any school in  
 20 another state which is recognized by the board, which  
 21 teaches a special course in the practice of the use of  
 22 the electric needle or electronic process indicating  
 23 that the applicant has successfully completed the  
 24 special course, and by passing an examination  
 25 prescribed by the board at least two hundred fifty  
 26 hours of training relating to electrolysis. The board  
 27 shall not require that a person be licensed as a  
 28 cosmetologist in order to obtain a license to practice  
 29 electrolysis. The applicant shall pay a license fee  
 30 as determined by the board under section 147.80.

31 The rules of the board shall include a provision  
 32 whereby a license to practice electrolysis may be  
 33 granted by reciprocity or endorsement to a person who  
 34 is licensed in another state to practice  
 35 electrolysis."

36 2. By numbering and renumbering as necessary.

Amendment H—3936 was adopted.

Schnekloth of Scott offered the following amendment H—3928, to the committee amendment H—3849, filed by him and Bisignano of Polk:

H—3928

- 1 Amend amendment, H—3849, to Senate File 14, as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 9 the
- 5 following:
- 6 "Sec. \_\_\_\_\_. Section 714.23, Code 1989, is
- 7 repealed."
- 8 2. By numbering and renumbering as necessary.

Renaud of Polk rose on a point of order that amendment H—3928 was not germane.

The Speaker ruled the point well taken and amendment H—3928 not germane.

On motion by Renaud of Polk, the committee amendment H—3849, as amended, was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 14)

The ayes were, 86:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bisignano	Black
Blanshan	Brammer	Brand	Brown
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Ollie	Osterberg	Pavich	Pellet
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stromer

Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Peters		
	Presiding		

The nays were, 6:

Bennett	Branstad	Jesse	Miller
Renken	Siegrist		

Absent or not voting, 8:

Clark	Fey	Halvorson, R. N.	Harbor
Hermann	Johnson	Neuhauser	Nielsen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Speaker Avenson in the chair at 4:26 p.m.

**Senate File 176**, a bill for an act relating to service of notice of expiration of the right of redemption from tax sales, 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?" (S.F. 176)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Cohoon
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear

Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Bisignano	Clark	Connolly	Doderer
Halvorson, R. N.	Johnson	Neuhauser	Shultz

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 relating to insurance by providing for notice and review of contracts between insurers and managing general agents and providing for regulation of third-party administrators, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 272 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 416**, a bill for an act relating to the identification of persons engaged in private investigation and private security businesses, with report of committee recommending amendment and passage was taken up for consideration.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—3915 filed by the committee on judiciary and law enforcement on April 7, 1989.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 416)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.

Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Clark	Connors	Johnson	Neuhauser
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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 46**, a bill for an act relating to the employment of inmates and prisoners, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 46 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 79**, a bill for an act relating to the certificate of need program, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 79 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 149**, a bill for an act relating to the compulsory attendance and truancy laws and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 149 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 488**, a bill for an act relating to solid waste disposal and providing penalties, with report of committee recommending passage was taken up for consideration.

Garman of Story offered the following amendment H—3843 filed by her:

H—3843

1 Amend Senate File 488, as passed by the Senate, as  
2 follows:  
3 1. Page 1, line 1, by striking the words and  
4 figures "subsection 3, Code 1989, is" and inserting  
5 the following: "subsections 1 and 3, Code 1989, are".  
6 2. Page 1, by inserting after line 2, the  
7 following:  
8 "1. A private agency or public agency person shall  
9 not dump or deposit or permit the dumping or  
10 depositing of any solid waste at any place other than  
11 a sanitary disposal project approved by the director  
12 unless the agency person has been granted a permit by  
13 the department which allows the dumping or depositing  
14 of solid waste on land owned or leased by the agency  
15 person. The department shall adopt rules regarding  
16 the permitting of this activity which shall provide  
17 that the public interest is best served, but which may  
18 be based upon criteria less stringent than those  
19 regulating a public sanitary disposal project provided  
20 that the rules adopted meet the groundwater protection  
21 goal specified in section 455E.4. The comprehensive  
22 plans for these facilities may be varied in  
23 consideration of the types of sanitary disposal  
24 practices, hydrologic and geologic conditions,  
25 construction and operations characteristics, and  
26 volumes and types of waste handled at the disposal  
27 site. The director may issue temporary permits for  
28 dumping or disposal of solid waste at disposal sites  
29 for which an application for a permit to operate a  
30 sanitary disposal project has been made and which have  
31 not met all of the requirements of part 1 of this  
32 division and the rules adopted by the commission if a  
33 compliance schedule has been submitted by the  
34 applicant specifying how and when the applicant will  
35 meet the requirements for an operational sanitary  
36 disposal project and the director determines the  
37 public interest will be best served by granting such  
38 temporary permit. The only penalty for a violation of  
39 this subsection shall be the scheduled fine provided  
40 for in section 805.8, subsection 12, except that the  
41 violator shall be ordered to clean up and properly  
42 dispose of the waste dumped or deposited."

- 43 3. Page 1, line 9, by striking the words "hundred  
 44 thousand" and inserting the following: "hundred".  
 45 4. Page 1, by inserting after line 9, the  
 46 following:  
 47 "Sec. \_\_\_\_\_. Section 805.8, Code 1989, is amended by  
 48 adding the following new subsection:  
 49 **NEW SUBSECTION. 12. SOLID WASTE DISPOSAL**  
 50 **VIOLATIONS.** For violations of section 455B.307,

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- 1 subsection 1, the scheduled fine is five hundred  
 2 dollars."  
 3 5. Renumber as necessary.

Petersen of Muscatine asked and received unanimous consent to withdraw amendment H—3930, to amendment H—3843, filed by him on April 7, 1989.

Garman of Story moved the adoption of amendment H—3843.

Roll call was requested by Osterberg of Linn and Arnould of Scott.

On the question "Shall amendment H—3843 be adopted?"  
 (S.F. 488)

The ayes were, 33:

Banks	Bennett	Branstad	Carpenter
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Jay	Kistler	Kremer
Lageschulte	Lundby	Maulsby	Metcalf
Pellett	Plasier	Poncy	Renken
Royer	Schnekloth	Shoning	Spear
Spenner	Stromer	Stueland	Trent
Van Maanen			

The nays were, 58:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Brown	Buhr	Chapman
Cohoon	Corbett	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Knapp	Koenigs	Lykam	May
McKean	McKinney	Mertz	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Siegrist
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		
	Avenson		

Absent or not voting, 9:

Clark	Connolly	Connors	Johnson
Miller	Muhlbauer	Neuhauser	Petersen, D. F.
Tyrrell			

Amendment H—3843 lost.

Petersen of Muscatine asked and received unanimous consent that Senate File 488 be deferred and that the bill retain its place on the calendar.

**Senate File 278**, a bill for an act relating to the disclosure of information by continuing care facilities and senior adult congregate living facilities, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3876 filed by the committee on human resources and moved its adoption:

H—3876

- 1 Amend Senate File 278, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 10, line 20, by striking the words "One
- 4 hundred twenty" and inserting the following: "Forty-
- 5 five".
- 6 2. Page 11, line 10, by striking the words "one
- 7 hundred twenty" and inserting the following: "forty-
- 8 five calendar".
- 9 3. Page 11, line 14, by striking the words "ten
- 10 business" and inserting the following: "thirty
- 11 calendar".
- 12 4. Page 11, line 16, by inserting after the word
- 13 "canceled" the following: ", except that the provider
- 14 may retain the reasonable value of care and services
- 15 actually provided to the resident prior to the
- 16 resident vacating the provider's facility".

The committee amendment H—3876 was adopted.

Harper of Black Hawk offered the following amendment H—3957 filed by Harper, et al., and moved its adoption:

H—3957

- 1 Amend Senate File 278, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 12, and
- 4 inserting the following: "services under section
- 5 225C.21, whether operated by a for-profit or a".
- 6 2. Page 1, line 29, by striking the word
- 7 "facility" and inserting the following: "retirement

8 community”.

9 3. Page 2, line 9, by inserting after the word  
10 “transfer” the following: “which exceeds the lesser  
11 amount of five thousand dollars or six times the  
12 living unit’s monthly fee”.

13 4. Page 2, by striking lines 14 and 15 and  
14 inserting the following:

15 “7. “Facility” means a senior adult congregate  
16 living facility or a continuing care retirement  
17 community.”

18 5. Page 2, line 35, by inserting after the word  
19 “state” the following: “for a facility located in  
20 this state”.

21 6. Page 3, line 6, by inserting after the figure  
22 “523D.3.” the following: “The disclosure statement  
23 shall be accompanied by a one hundred dollar filing  
24 fee as a condition of filing and compliance with this  
25 section.”

26 7. Page 3, line 27, by striking the word “If” and  
27 inserting the following: “With respect to each person  
28 covered by paragraph “b”, and if”.

29 8. Page 4, line 12, by inserting after the word  
30 “property” the following: “or similar felonies  
31 involving theft or dishonesty”.

32 9. Page 4, line 25, by inserting after the word  
33 “affiliated” the following: “with a for profit  
34 organization or”.

35 10. Page 5, line 23, by inserting after the word  
36 “provider,” the following: “for all parts of an  
37 operation covered by the contract, including the  
38 health center or nursing home portion of the  
39 continuing care retirement community, if those  
40 services are included in the contract, but the  
41 disclosure statement may exclude services or  
42 operations not provided to residents as senior adult  
43 congregate living services under their contract,”.

44 11. Page 7, line 13, by striking the word “four”  
45 and inserting the following: “five”.

46 12. Page 7, by striking lines 16 through 23, and  
47 inserting the following: “initial disclosure  
48 statement. The annual disclosure statement shall also  
49 be accompanied by a narrative describing:

50 a. Any material differences between the pro forma

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1 income statement filed pursuant to this chapter either  
2 as part of the most recent annual disclosure statement  
3 and the actual results of operations during the fiscal  
4 year, if the material differences substantially affect  
5 the financial safety or soundness of the community.

6 b. Any material differences between the pro forma

7 balance sheet and the actual results of operations  
8 during the fiscal year."

9 13. Page 9, lines 2 through 4, by striking the  
10 words "agreed upon by the provider and the current or  
11 prospective resident for any construction for which an  
12 entry fee arrangement is used." and inserting the  
13 following: "for a living unit which has not  
14 previously been occupied by a resident for which an  
15 entry fee arrangement is used. The escrow account  
16 agreement shall be entered into between the financial  
17 institution and the provider with the financial  
18 institution as the escrow agent and as a fiduciary for  
19 the resident or the prospective resident, the  
20 agreement shall state that its purpose is to protect  
21 the resident or the prospective resident, and the  
22 funds deposited in the account shall be kept and  
23 maintained in an account separate and apart from the  
24 provider's business accounts."

25 14. Page 9, by striking lines 9 through 17, and  
26 inserting the following: "reasonably determines that  
27 the following conditions have been satisfied:

28 a. The facility has a minimum of fifty percent of  
29 the units reserved for which the provider is charging  
30 an entrance fee.

31 b. The aggregate amount of the entrance fees  
32 received by or pledged to the provider, plus  
33 anticipated proceeds from any long-term financing  
34 commitment, plus funds from all other sources in the  
35 actual possession of the provider, equal not less than  
36 ninety percent of the aggregate cost of constructing  
37 or purchasing, equipping, and furnishing the  
38 facility."

39 15. Page 9, line 33, by striking the word "may"  
40 and inserting the following: "shall".

41 16. Page 10, line 15, by striking the words  
42 "senior adult congregate living facility" and  
43 inserting the following: "provider or any person  
44 identified in section 523D.3, subsection 1, paragraph  
45 "b" or "c)".

46 17. Page 10, lines 17 and 18, by striking the  
47 words "with a senior adult congregate living  
48 facility".

49 18. Page 11, by striking lines 21 and 22, and  
50 inserting the following:

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1 "To cancel this contract, mail by certified mail or  
2 hand deliver, a signed and dated copy of this  
3 cancellation notice or any other written notice  
4 clearly indicating your intent to cancel the  
5 contract,".

- 6 19. Page 11, by inserting after line 29, the  
7 following:  
8 "4. A purchaser's cancellation is effective upon  
9 mailing by certified mail, when transmitted by  
10 telegraph, or when actual notice is given to the  
11 provider, whichever is earlier."  
12 20. Page 12, lines 17 through 20, by striking the  
13 words "omits a material fact required to be included  
14 in the statement or necessary in order to make the  
15 statement, in light of the circumstances under which  
16 it is made, not misleading." and inserting the  
17 following: "contains any untrue statement of a  
18 material fact or omits to state a material fact  
19 necessary in order to make the statements made, in  
20 light of the circumstances under which they are made,  
21 not misleading."  
22 21. Page 12, line 26, by inserting after the word  
23 "refund" the following: ", payable upon acceptance,".  
24 22. Page 13, by inserting after line 23, the  
25 following:  
26 "Sec. 10. NEW SECTION. 523D.10 RULES.  
27 The division of insurance may adopt rules pursuant  
28 to chapter 17A as necessary and appropriate to  
29 implement this chapter, and may make further  
30 recommendations to the general assembly for the  
31 protection of residents and prospective residents of  
32 facilities required to file an annual disclosure  
33 statement under this chapter."  
34 23. By renumbering, relettering, and correcting  
35 internal references as necessary.

Amendment H—3957 was adopted.

The following amendment H—3993 filed by Harper of Black Hawk from the floor was adopted by unanimous consent:

H—3993

- 1 Amend Senate File 278, as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Title page, line 2, by striking the word  
4 "facilities" and inserting the words "retirement  
5 communities".

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?" (S.F. 278)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr

Carpenter	Chapman	Cphoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklloth
Schrader	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Beatty	Bisignano	Clark	Johnson
Neuhauser	Shearer	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 410**, a bill for an act relating to the conducting of an epidemiological blinded study to determine the prevalence of the human immunodeficiency virus infection and providing an effective date, 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. 410)

The ayes were, 88:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Brand	Branstad	Carpenter
Chapman	Cphoon	Connolly	Connors
Corbett	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey

Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 8:

Adams	Brown	Buhr	Hammond
Hansen, S. D.	Peters	Schnekloth	Svoboda

Absent or not voting, 4:

Clark	Johnson	Neuhauser	Shearer
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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 497**, a bill for an act relating to transportation certificates for livestock by requiring inclusion of the driver's license number of the owner of the livestock on the transportation certificate, 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. 497)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Brand	Branstad	Brown	Carpenter
Chapman	Cohoon	Connolly	Connors
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester

Hibbard	Holveck	Jesse	Jochum
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Osterberg	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Renaud
Renken	Rosenberg	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Mr. Speaker	
		Avenson	

The nays were, 12:

Banks	Bisignano	Buhr	Corbett
De Groot	Hammond	Hansen, S. D.	Jay
Poncy	Royer	Schnekloth	Wise

Absent or not voting, 5:

Clark	Johnson	Neuhauser	Ollie
Shearer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 498**, a bill for an act relating to the appointment, terms, retention, and qualifications of magistrates, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—3927 filed by the committee on judiciary and law enforcement:

H—3927

- 1 Amend Senate File 498, 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 602.6302, Code 1989, is
- 6 amended by striking the section and inserting in lieu
- 7 thereof the following:
- 8 602.6302 APPOINTMENT OF DISTRICT ASSOCIATE JUDGE
- 9 IN LIEU OF MAGISTRATES.
- 10 1. The chief judge of the judicial district may
- 11 designate by order of substitution that a district
- 12 associate judge be appointed pursuant to this section
- 13 in lieu of magistrates appointed under section
- 14 602.6403, subject to the following limitations:

15 a. The county in which the district associate  
16 judge is to be appointed, or the counties in which the  
17 district associate judge is to be appointed in  
18 combination, must have an apportionment of three or  
19 more magistrates.

20 b. The substitution must not result in a lack of a  
21 resident district associate judge or magistrate in one  
22 or more of the counties.

23 c. The substitution must be approved by the  
24 supreme court.

25 d. A majority of district judges in that judicial  
26 election district, or in the case of an appointment  
27 involving more than one judicial election district in  
28 the same judicial district, a majority of the district  
29 judges in each judicial election district, must vote  
30 in favor of the substitution and find that the  
31 substitution will provide more timely and efficient  
32 performance of judicial business within that judicial  
33 election district.

34 2. An order of substitution shall not take effect  
35 unless a copy of the order is received by the  
36 chairperson of the county magistrate appointing  
37 commission or commissions no later than May 31 of the  
38 year in which the substitution is to take effect. A  
39 copy of the order shall also be sent to the state  
40 court administrator.

41 3. For a county in which a substitution order is  
42 in effect, the number of magistrates actually  
43 appointed pursuant to section 602.6403 shall be  
44 reduced by three for each district associate judge  
45 substituted under this section. However, if the  
46 substitution order is for a district associate judge  
47 appointed to more than one county, the reduction of  
48 three magistrates shall be as provided in the order of  
49 the chief judge of the judicial district. Upon a  
50 subsequent reduction in the apportionment of

**Page 2**

1 magistrates to the county or counties, the magistrate  
2 appointing commission shall further reduce the number  
3 of magistrates appointed.

4 4. a. Except as provided in subsections 1 through  
5 3, a substitution shall not increase or decrease the  
6 number of magistrates authorized by this article.

7 b. A substitution shall not be made where the  
8 apportionment of magistrates to a county is  
9 insufficient to permit the full reduction in  
10 appointments of magistrates as required by subsection  
11 3.

12 5. If an apportionment by the state court  
13 administrator pursuant to section 602.6401 reduces the

14 number of magistrates in the county or counties to  
15 less than the number required to be apportioned to  
16 allow a substitution order pursuant to subsection 1,  
17 or if a majority of the district judges in the  
18 judicial election district or districts determines  
19 that a substitution is no longer desirable, then the  
20 substituted office shall be terminated. However, a  
21 reversion pursuant to this subsection, irrespective of  
22 cause, shall not take effect until the substitute  
23 district associate judge fails to be retained in  
24 office at a judicial election or otherwise leaves  
25 office, whether voluntarily or involuntarily. Upon  
26 the termination of office of that district associate  
27 judge, appointments shall be made pursuant to section  
28 602.6403 as necessary to reestablish terms of office  
29 as provided in section 602.6403, subsection 4.

30 Sec. 2. Section 602.6305, subsection 2, Code 1989,  
31 is amended to read as follows:

32 2. A person does not qualify for appointment to  
33 the office of district associate judge unless the  
34 person is at the time of ~~application~~ appointment a  
35 resident of the county in which the vacancy exists,  
36 ~~and unless the person is licensed to practice law in~~  
37 ~~Iowa, and unless the person will be able, measured by~~  
38 ~~the person's age at the time of appointment, to~~  
39 ~~complete the initial term of office plus a four-year~~  
40 ~~term of office prior to reaching age seventy-two.~~

41 Sec. 3. Section 602.6403, subsection 1, Code 1989,  
42 is amended to read as follows:

43 1. In ~~April~~ June of each year in which  
44 magistrates' terms expire, the county magistrate  
45 appointing commission shall appoint, except as  
46 otherwise provided in section 602.6302, the number of  
47 magistrates apportioned to the county by the state  
48 court administrator under section 602.6401, and may  
49 appoint an additional magistrate when allowed by  
50 section 602.6402. The commission shall not appoint

**Page 3**

1 more magistrates than are authorized for the county by  
2 this article.

3 Sec. 4. Section 602.6403, subsection 4, Code 1989,  
4 is amended to read as follows:

5 4. The term of office of a magistrate is ~~two four~~  
6 ~~years, commencing July August 1 of each odd numbered~~  
7 ~~year, 1989. However, the terms of all magistrates in~~  
8 ~~a county are deemed to expire if a substitution under~~  
9 ~~section 602.6302 or the allocation under section~~  
10 ~~602.6401 results in a reduction in the number of~~  
11 ~~magistrates in a county where the magistrates hold~~  
12 ~~office.~~

13 Sec. 5. Section 602.6404, subsection 2, Code 1989,  
14 is amended to read as follows:

15 2. A person is not qualified for appointment as a  
16 magistrate unless the person can complete the entire  
17 term of office prior to reaching if at the time of  
18 appointment the person has reached age seventy-two.

19 Sec. 6. Upon enactment, except as provided in  
20 section 602.6403, subsection 4, a magistrate appointed  
21 pursuant to section 602.6403, subsection 1, prior to  
22 the effective date of this Act shall be deemed to have  
23 been appointed pursuant to this Act and the  
24 magistrates term shall commence August 1, 1989.

25 Except as provided in section 602.6403, subsection  
26 4, the term of a magistrate whose term is to expire on  
27 June 30, 1989, shall be extended through July 31,  
28 1989.

29 Sec. 7. This Act, being deemed of immediate  
30 importance, takes effect upon enactment."

31 2. Title page, line 2, by inserting after the  
32 word "magistrates" the following: "district associate  
33 judges".

The following amendment H—3994, to the committee amendment H—3927, filed by Jay of Appanoose from the floor was adopted by unanimous consent:

H—3994

1 Amend the amendment, H—3927, to Senate File 498, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 10, by striking the word "jduge"  
5 and inserting the word "judge".

On motion by Jay of Appanoose, the committee amendment H—3927, as amended, was adopted, placing out of order amendment H—3962 filed by Hibbard of Madison and Jay of Appanoose on April 11, 1989.

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. 498)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Brown
Buhr	Carpenter	Chapman	Cphoon
Connolly	Connors	Corbett	Daggett

De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Brand	Clark	Doderer	Fuller
Johnson	Neuhauser	Ollie	Shearer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 508**, a bill for an act relating to common liens on real or personal property and providing a remedy, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—3926 filed by the committee on judiciary and law enforcement:

H—3926

- 1 Amend Senate File 508, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 22 the fol-
- 4 lowing:
- 5 "Sec. \_\_\_\_\_. This Act, being deemed of immediate
- 6 importance, is effective upon enactment."
- 7 2. Title page, line 2, by inserting after the
- 8 word "remedy" the following: "and an effective date".
- 9 3. Renumber as necessary.

Jay of Appanoose offered the following amendment H—3988, to the committee amendment H—3926, filed by him from the floor and moved its adoption:

H—3988

1 Amend amendment, H—3926, to Senate File 508, as  
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 9 and  
4 inserting the following:

5 “\_\_\_\_\_. By striking everything after the enacting  
6 clause and inserting the following:

7 “Section 1. NEW SECTION. 584.5 NONSTATUTORY  
8 LIENS.

9 A person claiming a common law lien, an equitable  
10 servitude lien, or a lien of similar nature which is  
11 other than a statutory lien, shall first give notice  
12 to any legal and equitable owners and persons in  
13 possession of the real or personal property against  
14 which the lien is sought. If the lien is filed by an  
15 owner of the real or personal property, notice shall  
16 first be given to any person with a lien or other  
17 interest in the property. The notice shall be given  
18 pursuant to the Iowa rules of civil procedure. Prior  
19 to the filing of the lien in any office of record in  
20 the county where the real or personal property is  
21 located, the district court in such county shall hold  
22 a hearing to determine the validity of the lien.  
23 Pendency of such a proceeding shall not be indexed  
24 under section 617.10 and shall not constitute lis  
25 pendens or constructive notice to third persons under  
26 sections 617.11 through 617.15. A bona fide purchaser  
27 takes title to the real or personal property free of  
28 any claims arising from such proceeding unless proper  
29 filing is made in the office of the county recorder as  
30 provided in this section. The person claiming the  
31 lien is required to prove the validity of the lien by  
32 a preponderance of the evidence. If the court  
33 determines the person claiming the lien has, willfully  
34 and maliciously proceeded, a judgment in an amount no  
35 greater than five hundred dollars may be entered  
36 against the person claiming the lien in favor of any  
37 resisting party for damages, plus costs and reasonable  
38 attorneys' fees incurred by the resisting party. A  
39 lien, as described in this section, shall not be filed  
40 in any office of record other than as provided in this  
41 section and if such lien is filed other than as  
42 provided in this section, the lien shall be null and  
43 void and of no force or effect. If after hearing the  
44 district court enters an order determining the lien to  
45 be valid, the person claiming the lien shall file a  
46 certified copy of the order in the office of the  
47 county recorder where the real or personal property is  
48 located. An appeal from the district court arising  
49 from such proceeding is by certiorari.

50 Sec. 2. This Act, being deemed of immediate

**Page 2**

- 1 importance, takes effect upon enactment."
- 2 \_\_\_\_\_. Title page, line 1, by striking the word
- 3 "common".
- 4 \_\_\_\_\_. Title page, line 2, by inserting after the
- 5 word "remedy" the following: "and an effective
- 6 date".

Amendment H—3988 was adopted.

On motion by Jay of Appanoose, the committee amendment H—3926, 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?" (S.F. 508)

The ayes were, 83:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Brand	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Daggett	De Groot
Diemer	Dvorsky	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Rosenberg	Royer	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 7:

Branstad	Eddie	Hanson, D. R.	Maulsby
Renken	Schnekloth	Van Maanen	

Absent or not voting, 10:

Bisignano	Clark	Doderer	Fey
Johnson	Neuhauser	Ollie	Renaud
Shearer	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 537, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 729, a bill for an act relating to insurance coverage for health care services, requiring that coverage be made available for care provided by certain registered nurses, providing for direct payment, modifying provisions relating to preferred providers, and providing for data collection and utilization review.

JOHN F. DWYER, Secretary

The House stood at ease at 5:40 p.m., until the fall of the gavel.

The House resumed session at 5:52 p.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie on request of Kistler of Jefferson and Metcalf of Polk on request of Lundby of Linn, both for the remainder of the evening.

### SENATE AMENDMENT CONSIDERED

Fogarty of Palo Alto called up for consideration **House File 537**, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, amended by the Senate amendment H—3985 as follows:

H—3985

- 1 Amend House File 537, as passed by the House, as
- 2 follows:
- 3 1. Page 2, by striking lines 11 and 12 and
- 4 inserting the following: "~~and for~~ Attached to the
- 5 certificate of title shall be an application for a new
- 6 certificate of title by the transferee as provided in
- 7 this chapter. However, titles for".
- 8 2. Page 3, by inserting after line 12, the
- 9 following:

10 "Sec. \_\_\_\_\_. Section 321.52, subsection 4, Code  
11 1989, is amended by adding the following new  
12 paragraph:

13 **NEW PARAGRAPH.** e. A person who titled the  
14 person's motor vehicle before May 1, 1989, may have a  
15 title issued on that motor vehicle to the person  
16 without the "REBUILT" designation, if the person can  
17 show adequate proof that the wrecked or salvage motor  
18 vehicle was inspected by a peace officer prior to  
19 being repaired prior to September 1, 1988, and show  
20 proof through receipts of used parts and photos of the  
21 damage to the wrecked or salvage motor vehicle that  
22 the motor vehicle did not have major damage requiring  
23 repairs or replacement of more than two of the  
24 vehicle's component parts. Upon proper application  
25 and payment of a two dollar fee, the county treasurer  
26 shall issue to the person the title to the person's  
27 motor vehicle without the "REBUILT" designation."

28 3. Page 4, by inserting after line 32 the  
29 following:

30 "Sec. 555. **AUTHORIZATION FOR LEASE-PURCHASE**  
31 **AGREEMENT.** The state department of transportation is  
32 authorized to enter into a lease-purchase agreement to  
33 acquire facilities at the city of Ankeny to be used in  
34 its administration of motor vehicles under section  
35 307.27. However, the cost of the lease-purchase  
36 agreement shall not exceed \$7,200,000."

37 4. Page 4, line 33, by inserting after the figure  
38 "2" the following: ", 555,".

39 5. By renumbering, relettering, or redesignating  
40 and correcting internal references as necessary.

Arnould of Scott asked and received unanimous consent that House File 537 be deferred and that the bill retain its place on the calendar.

(Senate amendment H—3985 pending.)

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **Senate File 488**, a bill for an act relating to solid waste disposal and providing penalties, previously deferred.

Petersen of Muscatine asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H—3992 filed by him from the floor as follows:

H—3992

- 1 Amend Senate File 488, as passed by the Senate,
- 2 as follows:
- 3 1. Page 1, line 8, by striking the word "five"
- 4 and inserting the following: "five one".

Petersen of Muscatine moved the adoption of amendment H—3992.

Roll call was requested by Bisignano of Polk and Osterberg of Linn.

On the question "Shall amendment H—3992 be adopted?" (S.F. 488)

The ayes were, 34:

Banks	Bennett	Carpenter	Corbett
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hansen, S. D.	Harbor
Hermann	Jay	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
Miller	Pavich	Pellett	Petersen, D. F.
Poncy	Renken	Royer	Schnekloth
Shoning	Spear	Stromer	Stueland
Tyrrell	Van Maanen		

The nays were, 60:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Chapman	Cphoon	Connolly	Connors
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hanson, D. R.	Harper	Hatch
Haverland	Hibbard	Holveck	Jesse
Jochum	Knapp	Lykam	May
McKean	McKinney	Mertz	Muhlbauer
Nielsen	Ollie	Osterberg	Peters
Peterson, M. K.	Plasier	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spenner	Swartz	Tabor
Teaford	Trent	Wise	Mr. Speaker
			Avenson

Absent or not voting, 6:

Clark	Hester	Johnson	Metcalf
Neuhauser	Svoboda		

Amendment H—3992 lost.

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. 488)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hanson, D. R.	Harper	Hatch	Haverland
Hibbard	Holveck	Jesse	Jochum
Kistler	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spenner	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Wise	Mr. Speaker		
	Avenson		

The nays were, 24:

Banks	Bennett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hansen, S. D.
Harbor	Hermann	Jay	Koenigs
Kremer	Maulsby	Miller	Pellett
Petersen, D. F.	Renken	Royer	Schneklath
Spear	Stromer	Tyrrell	Van Maanen

Absent or not voting, 6:

Clark	Hester	Johnson	Knapp
Metcalf	Neuhauser		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### EXPLANATION OF VOTE

I was temporarily absent from the House chamber the afternoon of April 12, 1989. Had I been present, I would have voted "aye" on Senate Files 83, 343, 346, 412 and 475.

TABOR of Jackson

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty twelfth grade students from Rockwell-Swaledale High School, Rockwell, accompanied by Paul Beatty. By Clark of Cerro Gordo.

Eighty-five students from Central Lyon Community School, Rock Rapids, accompanied by Eldon Maxwell. By De Groot of Lyon.

Forty-five sixth grade students from Bryant Elementary School, Boone, accompanied by Mrs. Orr. By Garman of Story.

Thirty-eight twelfth grade students from Stuart-Menlo High School, Stuart, accompanied by Dave Fry. By Hibbard of Madison.

Fifty-five senior students from Sumner High School, Sumner, accompanied by Otis Robee. By Lageschulte of Bremer and Avenson of Fayette.

Eighty fifth grade students from Waukee Middle School, Waukee, accompanied by Marilyn Anfinson. By McKinney of Dallas.

## SUBCOMMITTEE ASSIGNMENTS

### House File 726

Ways and Means: Wise, Chair; Brand and Metcalf.

### House File 742

Ways and Means: Tabor, Chair; Osterberg, Petersen of Muscatine, Rosenberg and Schneklath.

## COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House File 457), relating to the establishment of real estate education programs and making an appropriation.

Fiscal Note is required.

Recommended **Do Pass** April 12, 1989.

## AMENDMENTS FILED

H - 3971	S.F.	323	Fogarty of Palo Alto Gruhn of Dickinson Eddie of Buena Vista Daggett of Adams
H - 3972	S.F.	502	Kremer of Buchanan
H - 3973	S.F.	205	Hanson of Delaware
H - 3974	H.F.	241	Senate Amendment
H - 3975	H.F.	198	Senate Amendment
H - 3976	H.F.	533	Senate Amendment
H - 3977	H.F.	669	Senate Amendment
H - 3978	S.F.	124	Tyrrell of Iowa
H - 3979	S.F.	363	Hammond of Story
H - 3980	H.F.	234	Senate Amendment
H - 3981	S.F.	344	Trent of Muscatine Neuhauser of Johnson
H - 3982	S.F.	502	Brammer of Linn
H - 3983	S.F.	407	Lundby of Linn
H - 3984	S.F.	124	Holveck of Polk
H - 3986	S.F.	490	Bisignano of Polk
H - 3987	S.F.	315	Trent of Muscatine Koenigs of Mitchell Garman of Story Branstad of Winnebago Shoning of Woodbury Banks of Plymouth Svoboda of Tama Tyrrell of Iowa Maulsby of Calhoun Hibbard of Madison Van Maanen of Mahaska
H - 3989	S.F.	315	Muhlbauer of Crawford Pavich of Pottawattamie Metcalf of Polk Hermann of Scott May of Worth Lageschulte of Bremer Black of Jasper Beaman of Clarke Spenner of Henry Corbett of Linn
H - 3990	H.F.	729	Senate Amendment
H - 3991	S.F.	56	Halvorson of Webster
H - 3995	S.F.	391	Hanson of Delaware
H - 3996	S.F.	31	Harper of Black Hawk Carpenter of Polk
H - 3997	S.F.	363	Halvorson of Clayton
H - 3998	S.F.	363	Van Maanen of Mahaska
H - 3999	S.F.	199	Hanson of Delaware

On motion by Arnould of Scott, the House adjourned at 6:22 p.m., until 9:00 a.m., Thursday, April 13, 1989.

# JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 13, 1989

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Horace C. Daggett, state representative from Adams County.

The Journal of Wednesday, April 12, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Doderer of Johnson from sixty-five constituents of District 65.

By Harbor of Mills from fifty-two constituents of Stanton.

By Hibbard of Madison from fifty-five constituents of Stuart.

By Maulsby of Calhoun from forty-nine constituents of District 10.

By McKean of Jones from seventeen constituents.

By Pavich of Pottawattamie from one hundred ten citizens of District 100.

By Schnekloth of Scott from one hundred thirty constituents.

The following petitions were received and placed on file:

By Connolly of Dubuque from forty-one constituents opposing pornographic materials in the prison system.

By Doderer of Johnson from fifty-one constituents of District 45 opposing House File 718, relating to medical and health needs.

## 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 11, 1989, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 12, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the equality of rights of men and women under the law.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 20, a bill for an act relating to dissolution of marriage and related proceedings by providing for a pilot program of mandatory mediation of contested issues of child custody and visitation.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 13, a bill for an act relating to conduct which endangers the physical health or safety of a student and which is a condition of association with a student group or organization, and providing penalties.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 127, a bill for an act to allow class "C" liquor control license holders and class "B" beer permit holders to brew beer to be served on the premises and making the barrel tax on beer applicable, and providing an effective date.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 163, a bill for an act relating to the duties of the department of inspections and appeals in the appeal and hearing processes of the state department of transportation.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 319, a bill for an act relating to the establishment of benefited recreational lake districts and providing an effective date.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 329, a bill for an act relating to the name of and liabilities arising from activities of the small business assistance center at the University of Northern Iowa.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 344, a bill for an act relating to the substance abuse law.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 399, a bill for an act relating to restrictions on the power of the division of deaf services of the department of human rights to obtain office space for utilization in carrying out service projects for deaf persons, and providing an effective date.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 402, a bill for an act relating to foster care by establishing certain provisions regarding voluntary foster care placements.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 403, a bill for an act relating to child support awards by requiring the application of uniform support guidelines by the courts and the department of human services and providing an effective date.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 420, a bill for an act authorizing the board of supervisors to review and remand a decision of the board of adjustment.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 430, a bill for an act authorizing the appointment or designation of a city health officer.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 475, a bill for an act providing for the refund of unexpired registration fees for certain vehicles registered as special mobile equipment and providing an effective date.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 480, a bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 496, a bill for an act relating to credit services organizations, by requiring their registration, imposing regulation, and providing penalties.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 513, a bill for an act prohibiting the theft of telephone service, and making penalties applicable.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 542, a bill for an act relating to reprisals and orders with respect to certain disclosures of information and other actions by employees of the state and its political subdivisions, providing penalties, providing civil remedies, and providing properly related matters.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 551, a bill for an act to modify the requirements for establishing an aviation authority.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 552, a bill for an act relating to the consumer credit code, by providing for certain charges, amending the definition of debt collectors, requiring notification and the imposition of certain fees, appropriating funds collected, and providing an applicability date.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 570, a bill for an act relating to the registration of aircraft.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 573, a bill for an act relating to civil service medical examinations and providing an effective date.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 575, a bill for an act relating to the investment authority of state banks.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 581, a bill for an act authorizing a reserve account for fire protection, emergency warning, and ambulance services provided by townships.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 628, a bill for an act relating to the purchase or sale of an individual and providing a penalty.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 637, a bill for an act relating to the access of confidential information collected by the department of employment services.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 641, a bill for an act relating to human immunodeficiency virus-related testing and counseling, and eliminating a penalty.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 645, a bill for an act relating to mortgage brokers and mortgage bankers.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 663, a bill for an act requiring motorized bicycles to be equipped with bicycle safety flags and making a penalty applicable.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 672, a bill for an act relating to harassment and providing penalties.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 678, a bill for an act relating to certain filings with the secretary of state by nonprofit corporations.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 693, a bill for an act relating to notaries public and other notarial officers and notarial acts, and providing an applicability date and an effective date.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 699, a bill for an act relating to the state public defender and the appointment of a state appellate defender.

Also: That the Senate has on April 11, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 717, a bill for an act relating to requirements for a license to practice podiatry by requiring successful completion of a residency or preceptorship for applicants graduating from podiatric college in 1995 or thereafter.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 722, a bill for an act relating to infectious waste management.

Also: That the Senate has on April 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 735, a bill for an act relating to enhanced 911 emergency telephone communications systems, and providing for the Act's applicability.

Also: That the Senate has on April 11, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 10, a joint resolution to nullify administrative rules of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date.

JOHN F. DWYER, Secretary

The House stood at ease at 9:27 a.m., until the fall of the gavel.

The House resumed session at 10:42 a.m., Speaker Avenson in the chair.

## INTRODUCTION OF BILL

**House File 762**, by committee on ways and means, a bill for an act relating to the designation, inventory, sale, taxation, and protection of protected wetlands, and providing a civil penalty for violations.

Read first time and placed on the **ways and means calendar**.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, for April 13 and 14, 1989, on request of Adams of Hamilton.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 466**, a bill for an act allowing a speculative industrial building built by a local community development organization in a rural community to be eligible under the community and rural development loan program as a new infrastructure, with report of committee recommending amendment and passage was taken up for consideration.

Cohoon of Des Moines offered the following amendment H—3798 filed by the committee on economic development and moved its adoption:

H—3798

- 1 Amend Senate File 466, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 13, by striking the words "in a
- 4 rural community".
- 5 2. Title page, line 2, by striking the words "in
- 6 a rural community".
- 7 3. Title page, line 3, by striking the words
- 8 "community and rural development loan" and inserting
- 9 the following: "rural community 2000".

The committee amendment H—3798 was adopted.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 466)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr

Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 4:

Banks	Corbett	Halvorson, R. N.	Metcalf
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Absent or not voting, 5:

Brammer	Hermann	Neuhauser	Sherzan
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House resumed consideration of **Senate File 389**, a bill for an act relating to farm crisis relief, by extending the date of repeal of certain 1986 provisions, expanding participation in farm mediation, requiring borrowers to file a list of creditors, providing for review of farm mediation service decisions, expanding the confidentiality of mediation information, providing for mediation fees, and providing limitations on liability and immunity from certain judicial actions, previously deferred.

Chapman of Linn asked and received unanimous consent that Senate File 389 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 407**, a bill for an act relating to unclaimed intangible personal property by providing for the treatment of claims in the course of the dissolution of a corporation in the same manner as unclaimed property held by a court or by the state and by altering

certain aspects of claim administration, distribution of moneys, and other matters properly related with the disposition of unclaimed personal property and procedures related thereto, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H—3906 filed by the committee on state government:

H—3906

- 1 Amend Senate File 407, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 15 through 29.
- 4 2. By renumbering as necessary.

Lundby of Linn offered the following amendment H—3983, to the committee amendment H—3906, filed by her and moved its adoption:

H—3983

- 1 Amend the amendment, H—3906, to Senate File 407, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 and 4 and insert-
- 4 ing the following:
- 5 "\_\_\_\_\_. Page 2, line 23, by striking the word "ten"
- 6 and inserting the following: "fifteen".
- 7 \_\_\_\_\_. Page 2, line 29, by inserting after the word
- 8 "consideration." the following: "This section does
- 9 not apply to an owner who has a bona fide fee contract
- 10 with a practicing attorney and counselor as described
- 11 in chapter 602, article 10." "
- 12 2. By numbering and renumbering as necessary.

Amendment H—3983 was adopted.

On motion by Peterson of Carroll, the committee amendment H—3906, as amended, was adopted.

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. 407)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer

Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 8:

Brammer	Hermann	Jesse	McKinney
Neuhauser	Shearer	Shoultz	Taber

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 450**, a bill for an act relating to educational standards, including flexible scheduling within a school year, waivers of student participation in physical education if the school has flexible scheduling and the student is participating on an athletic team, and making technical changes, with report of committee recommending amendment and passage was taken up for consideration.

Brand of Benton offered the following amendment H—3909 filed by the committee on education:

H—3909

- 1 Amend Senate File 450, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, line 1, by inserting after the word
- 4 "required." the following: "If a student is
- 5 participating in an organized and supervised high
- 6 school athletic program which requires at least as
- 7 much time of participation per week as one-eighth
- 8 unit, the student may be excused from the physical
- 9 education course during the time of the student's
- 10 participation in the athletic program."
- 11 2. Page 2, by striking lines 14 through 21 and
- 12 inserting the following: "student. The principal of

- 13 the school shall inform the".
- 14 3. Page 3, by striking lines 18 through 20 and  
15 inserting the following: " "resident" means a child  
16 who is physically present in the district for the  
17 purpose of making a home and not solely for school  
18 purposes."
- 19 4. Page 3, line 26, by striking the word "who"  
20 and inserting the following: "~~who~~".
- 21 5. Page 3, lines 28 through 30, by striking the  
22 words "~~whose presenee in school may be injurious to~~  
23 ~~the health or morals of other pupils or to the welfare~~  
24 ~~of such school~~" and inserting the following: "whose  
25 presence in school may be injurious to the health or  
26 ~~morals~~ of other pupils or to the welfare of such the  
27 school, who is found to be physically or mentally".
- 28 6. Page 4, by striking lines 15 through 17 and  
29 inserting the following: " "resident" means a person  
30 who is physically present in the district for the  
31 purpose of making a home and not solely for school  
32 purposes."
- 33 7. Page 6, by striking lines 7 through 20.

Wise of Lee offered the following amendment H—3946, to the committee amendment H—3909, filed by him and moved its adoption:

H—3946

- 1 Amend amendment, H—3909, to Senate File 450, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by striking lines 3 through 10.  
4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 40, nays 44.

Amendment H—3946 lost.

Daggett of Adams offered the following amendment H—4015, to the committee amendment H—3909, filed by him from the floor and moved its adoption:

H—4015

- 1 Amend amendment H—3909 to Senate File 450, as  
2 passed by the Senate, as follows:  
3 1. Page 1, by inserting after line 13, the  
4 following:  
5 "Page 3, by striking lines 3 through 14."

Amendment H—4015 was adopted.

On motion by Brand of Benton, the committee amendment H—3909, as amended, was adopted.

Brand of Benton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 450)

The ayes were, 87:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
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	Jesse
Jochum	Johnson	Kistler	Knapp
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoning	Shoultz	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Mr. Speaker	
		Avenson	

The nays were, 7:

Adams	Carpenter	Dvorsky	Eddie
Miller	Siegrist	Wise	

Absent or not voting, 6:

Brammer	Branstad	Chapman	Hibbard
Koenigs	Neuhauser		

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 11:58 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 11, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 146, a bill for an act relating to the county commission of veteran affairs.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 472**, a bill for an act relating to private and home education and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 472 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 444**, a bill for an act relating to the industrial services division of the department of employment services, revising provisions governing deputy industrial commissioners, expanding provisions governing settlements in workers' compensation cases, and providing properly related matters, 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. 444)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean

McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Brammer	Connors	Jesse
Neuhauser	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 479**, a bill for an act directing the Code editor to transfer various chapters and sections of the Code relating to the authority to regulate drainage to a new chapter, 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. 479)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud

Renken	Rosenberg	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 8:

Blanshan	Brammer	Connors	Jesse
Neuhauser	Royer	Teaford	Tyrrell

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 437**, a bill for an act relating to solid waste management by providing for the submission of comprehensive solid waste management plans to the department of natural resources by certain entities and permitting the option of dividing the planning requirement into certain separate parts, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 437 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 71**, a bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 71 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 225**, a bill for an act allowing the utilities board to reject an application for new or changed rates, charges, schedules, or regulations by a public utility without a hearing in certain circumstances, with report of committee recommending passage 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. 225)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black

Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Blanshan	Brammer	Connors	Jesse
Neuhauser	Sherzan	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 229**, a bill for an act allowing a complainant or public utility to petition the utilities board to initiate a formal proceeding, with report of committee recommending passage 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. 229)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Corbett	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Swartz
Tabor	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker Avenson		

The nays were, none.

Absent or not voting, 6:

Blanshan	Brammer	Connors	Groninga
Neuhauser	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House resumed consideration of **Senate File 266**, a bill for an act requiring electric utilities to have in effect a comprehensive energy management program before increased rates, charges, schedules, and regulations may be approved by the utilities board, previously deferred.

Arnould of Scott asked and received unanimous consent that Senate File 266 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 56**, a bill for an act establishing familial status as a protected class in Iowa's discriminatory housing law and providing an exception for housing for elderly persons and certain owner-occupied housing, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3965.

Halvorson of Webster offered the following amendment H—3991 filed by him and moved its adoption:

H—3991

- 1 Amend Senate File 56, as amended, passed and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 31 through page 2,
- 4 line 10.
- 5 2. By renumbering as necessary.

Amendment H—3991 was adopted.

Teaford of Black Hawk offered the following amendment H—3965 filed by Teaford, et al.:

H—3965

- 1 Amend Senate File 56 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. \_\_\_\_\_. NEW SECTION. 562A.36A BLACKLISTING
- 6 PROHIBITED.
- 7 1. A landlord or group of landlords shall not
- 8 enter into an agreement or understanding, or engage in
- 9 a practice, to refuse to enter into a rental agreement
- 10 for a dwelling unit with a person based upon that
- 11 prospective tenant's past relationship with other
- 12 landlords as reported or related by a landlord.
- 13 2. A tenant blacklist shall not be maintained.
- 14 Maintenance of a tenant blacklist is a serious
- 15 misdemeanor.
- 16 3. A prospective tenant denied the occupancy and
- 17 use of a dwelling unit based in whole or in part upon
- 18 the landlord's use of a tenant blacklist has a cause
- 19 of action against the landlord who denied the
- 20 prospective tenant the occupancy and use of the
- 21 dwelling unit and against the group of landlords which
- 22 maintained or contributed to the blacklist, for the
- 23 actual monetary damages incurred, plus reasonable
- 24 attorney fees and court costs. If the court
- 25 determines that a prospective tenant has been denied
- 26 the occupancy and use of a dwelling unit based in
- 27 whole or in part upon the landlord's use of a tenant
- 28 blacklist, the court shall award the prospective
- 29 tenant punitive damages in the amount of one thousand
- 30 five hundred dollars per occurrence, per participant
- 31 or contributor to the blacklist.
- 32 4. This section does not prohibit a landlord from
- 33 refusing to enter into a rental agreement with a
- 34 tenant based upon the tenant's rental application or
- 35 upon court records.
- 36 Sec. \_\_\_\_\_. NEW SECTION. 562B.32A BLACKLISTING
- 37 PROHIBITED.

38 1. A landlord or group of landlords shall not  
39 enter into an agreement or understanding, or engage in  
40 a practice, to refuse to enter into a rental agreement  
41 for a mobile home space with a person based upon that  
42 prospective tenant's past relationship with other  
43 landlords as reported or related by a landlord.  
44 2. A tenant blacklist shall not be maintained.  
45 Maintenance of a tenant blacklist is a serious  
46 misdemeanor.  
47 3. A prospective tenant denied the occupancy and  
48 use of a mobile home space based in whole or in part  
49 upon the landlord's use of a tenant blacklist has a  
50 cause of action against the landlord who denied the

**Page 2**

1 prospective tenant the occupancy and use of the mobile  
2 home space and against the group of landlords which  
3 maintained or contributed to the blacklist, for the  
4 actual monetary damages incurred, plus reasonable  
5 attorney fees and court costs. If the court  
6 determines that a prospective tenant has been denied  
7 the occupancy and use of a mobile home space based in  
8 whole or in part upon the landlord's use of a tenant  
9 blacklist, the court shall award the prospective  
10 tenant punitive damages in the amount of one thousand  
11 five hundred dollars per occurrence, per participant  
12 or contributor to the blacklist.

13 4. This section does not prohibit a landlord from  
14 refusing to enter into a rental agreement with a  
15 tenant based upon the tenant's rental application or  
16 upon court records."

17 2. Title page, line 1, by inserting after the  
18 word "Act" the following: "relating to human rights  
19 by remedying and protecting against discrimination by  
20 prohibiting the maintenance of tenant blacklists and  
21 by".

22 3. Title page, line 4, by inserting after the  
23 word "housing" the following: "and imposing  
24 penalties".

25 4. By renumbering as necessary.

Bennett of Ida rose on a point of order that amendment H — 3965 was not germane.

The Speaker ruled the point well taken and amendment H — 3965 not germane.

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. 56)

The ayes were, 98:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 2:

Brammer            Neuhauser

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:

Daggett of Adams, for the remainder of the day, on request of Bennett of Ida.

**Senate File 201**, a bill for an act expanding the definition of sex act and making more acts subject to penalties, with report of committee recommending passage 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?" (S.F. 201)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Brammer	Daggett	Hatch	Neuhauser
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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 218**, a bill for an act relating to the investments of credit unions, by permitting investment in corporate bonds as defined by rule of the administrator, with report of committee recommending amendment and passage was taken up for consideration.

Dvorsky of Johnson offered the following amendment H-3875 filed by the committee on small business and commerce and moved its adoption:

H-3875

- 1 Amend Senate File 218, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word

4 "administrator" the following: " , provided that the  
 5 administrator shall not approve investment in  
 6 corporate bonds unless the bonds are rated in the two  
 7 highest grades of corporate bonds by a nationally  
 8 accepted rating agency, including but not limited to a  
 9 rating of AAA or AA from Standard and Poors".

The committee amendment H—3875 was adopted.

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?" (S.F. 218)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stromer	Stueland	Svoboda	Tabor
Teaford	Trent	Tyrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Daggett	Fey	Neuhauser
Plasier	Swartz		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 233**, a bill for an act providing for DNA profiling of certain criminal offenders, with report of committee recommending passage was taken up for consideration.

Trent of Muscatine moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 233)

The ayes were, 89:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklath	Schrader
Shearer	Shearzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Brown	Hammond	Lundby
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Absent or not voting, 8:

Brammer	Chapman	Daggett	Groninga
Hermann	Hibbard	Neuhauser	Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 344**, a bill for an act relating to the violation of or interference with civil rights, including discrimination based upon association with protected class members and age, the definition of public accommodation, the right to a jury trial, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 344 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 360**, a bill for an act prohibiting the theft of a veteran's grave marker, 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?" (S.F. 360)

The ayes were, 90:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Brand
Branstad	Brown	Buhr	Carpenter
Clark	Cohoon	Connors	Corbett
De Groot	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Shearer	Sherzan	Shoning	Shultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 10:

Bisignano	Blanshan	Brammer	Chapman
Connolly	Daggett	Diemer	Fey
Neuhauser	Peterson, M. K.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 375**, a bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 2:35 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 375 at 2:50 p.m., Connors of Polk in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 375 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 486**, a bill for an act relating to rent-to-own regulations, with report of committee recommending passage 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?" (S.F. 486)

The ayes were, 94:

Adams	Arnould	Avenson, Spkr.	Banks
Beaman	Beatty	Bennett	Bisignano
Black	Blanshan	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Corbett
De Groot	Diemer	Doderer	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Koenigs
Kremer	Lageschulte	Lundby	Lykam
Maulsby	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Connors		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Daggett	Dvorsky	Fey
Knapp	Neuhauser		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**SENATE AMENDMENT FURTHER CONSIDERED**  
(House File 537)

The House resumed consideration of the Senate amendment H—3985, found on pages 1538 and 1539 of the House Journal, to House File 537, a bill for an act relating to motor vehicle registrations and certificates of title and providing penalties and effective dates, previously deferred.

Trent of Muscatine offered the following amendment H—4002, to the Senate amendment H—3985, filed from the floor by Trent, Spenner, Harbor, Halvorson of Clayton, Tyrrell, McKean, Clark, Garman, Kremer, Hermann, Miller, Bennett and Siegrist and moved its adoption:

H—4002

- 1 Amend the Senate amendment, H—3985, to House
- 2 File 537, as passed by the House, as follows:
- 3 1. Page 1, by striking lines 28 through 38.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H—4002, to the Senate amendment H—3985, be adopted?"(H.F. 537)

The ayes were, 42:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Kistler	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Trent
Tyrrell	Van Maanen		

The nays were, 53:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Blanshan	Brand	Brown
Buhr	Chapman	Cohoon	Connolly
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum

Johnson	Knapp	Koenigs	Lykam
McKinney	Mertz	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Peters
Poncy	Renaud	Rosenberg	Schrader
Shearer	Sherzan	Shoultz	Svoboda
Swartz	Tabor	Teaford	Wise
Connors			
Presiding			

Absent or not voting, 5:

Brammer	Daggett	Hammond	May
Neuhauser			

Amendment H—4002 lost.

The House stood at ease at 3:40 p.m., until the fall of the gavel.

The House resumed session and consideration of the Senate amendment H—3985 to House File 537 at 3:49 p.m., Speaker Avenson in the chair.

Lundby of Linn offered the following amendment H—4023, to the Senate amendment H—3985, filed by her from the floor and moved its adoption:

H—4023

- 1 Amend the Senate amendment, H—3985, to House File
- 2 537, as passed by the House, as follows:
- 3 1. Page 1, by inserting after line 38, the
- 4 following:
- 5 "\_\_\_\_\_. In the future, when bids are received by
- 6 the department of transportation, it shall first check
- 7 the voter registration of the principal owner of each
- 8 business submitting a bid. If the principal owner is
- 9 a registered Democrat or a registered Republican, the
- 10 bid will be automatically rejected and the contract
- 11 must be awarded to a business having a principal owner
- 12 who is registered without party affiliation."

Amendment H—4023 lost.

Fogarty of Palo Alto moved that the House concur in the Senate amendment H—3985.

A non-record roll call was requested.

The ayes were 45, nays 37.

The motion prevailed and the House concurred in the Senate amendment H—3985.

Fogarty of Palo Alto moved that the bill, as amended by the

Senate and concurred in by the House, be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 537)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brand	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hibbard
Holveck	Jay	Jesse	Jochum
Johnson	Knapp	Koenigs	Lykam
May	McKinney	Mertz	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Shearer	Sherzan
Shoultz	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	
		Avenson	

The nays were, 41:

Banks	Beaman	Bennett	Black
Branstad	Carpenter	Clark	Corbett
De Groot	Diemer	Doderer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Kistler
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schnekloth	Shoning	Siegrist	Spear
Spenner	Stueland	Trent	Tyrrell
Van Maanen			

Absent or not voting, 4:

Brammer	Daggett	Neuhauser	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 502**, a bill for an act relating to business corporations, and related matters including the elimination of filing of corporate documents with the county recorder for all forms of corporate entities, and providing a special 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 502 be deferred and that the bill be placed on the unfinished business calendar.

## Regular Calendar

**Senate File 482**, a bill for an act relating to the appeal process for bidders aggrieved by awards of the purchasing division of the department of general services, and providing properly related matters, with report of committee recommending passage was taken up for consideration.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 482)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Shearer	Sherzan	Shoning
Shoultz	Spear	Spenner	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Kremer

Absent or not voting, 6:

Brammer	Daggett	Hatch	Neuhauser
Siegrist	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## SENATE MESSAGE CONSIDERED

**Senate Joint Resolution 10**, by committee on appropriations, a joint resolution to nullify administrative rules of the department of inspections and appeals relating to intermediate care facilities for the mentally retarded and providing an effective date.

Read first time and referred to committee on **human resources**.

## IMMEDIATE MESSAGES

(Senate File 442 and House File 537)

Arnould of Scott asked and received unanimous consent that Senate File 442 and House File 537 be immediately messaged to the Senate.

## CONSIDERATION OF BILLS

## Regular Calendar

**Senate File 371**, a bill for an act relating to elections and election procedures, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 371 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 406**, a bill for an act relating to retention of a court reporter by a newly appointed judge, 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. 406)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler

Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Daggett	Gruhn	Lageschulte
Neuhauser	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 174**, 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, and providing for the retroactive applicability of the Act and 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 174 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 111**, a bill for an act relating to foreign money judgments and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Peterson of Carroll offered the following amendment H-3914 filed by the committee on judiciary and law enforcement and moved its adoption:

H-3914

- 1 Amend Senate File 111, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 3, by striking lines 33 through 35.
- 4 2. By renumbering as necessary.

The committee amendment H-3914 was adopted.

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. 111)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brammer	Brand	Daggett	Neuhauser
Stromer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 494**, a bill for an act relating to the disposition of property devised as a class gift where the testator has survived the devisee, and providing for the Act's applicability, 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. 494)

The ayes were, 91:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cphoon
Connolly	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stueland	Svoboda	Swartz
Tabor	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, 2:

Brown	Jesse
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Absent or not voting, 7:

Brammer	Daggett	Harbor	Lageschulte
Neuhauser	Shoultz	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 318**, a bill for an act relating to the state soil conservation committee, by providing for the composition of the committee and its powers and duties, with report of committee recommending passage was taken up for consideration.

Pellett of Cass offered the following amendment H—3889 filed by him and moved its adoption:

H—3889

- 1 Amend Senate File 318 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 18, by inserting after the word
- 4 "propose" the following: "and approve".

Amendment H—3889 was adopted.

Pellett of Cass moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 318)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Pony	Renaud
Renken	Rosenberg	Royer	Schnekloth
Schrader	Shearer	Sherzan	Shoning
Shoultz	Siegrist	Spear	Spenner
Stueland	Svoboda	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 1:

Branstad

Absent or not voting, 6:

Brammer	Chapman	Daggett	Neuhauser
Stromer	Swartz		

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 waste minimization and disposal, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 470 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 485**, a bill for an act to prohibit the sale, purchase, or use of a pesticide containing daminozide, providing an effective date, and making a penalty applicable, with report of committee recommending passage was taken up for consideration.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 485 at 4:48 p.m., Speaker Avenson in the chair.

Petersen of Muscatine offered the following amendment H—3941 filed by him and Koenigs of Mitchell and moved its adoption:

H—3941

- 1 Amend Senate File 485, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "state" the following: "until the federal
- 5 environmental protection agency determines that the
- 6 risk to the public health of the use of daminozide
- 7 does not warrant the prohibition of its use".

Roll call was requested by Schrader of Marion and Jochum of Dubuque.

On the question "Shall amendment H—3941 be adopted?"  
(S.F. 485)

The ayes were, 30:

Banks	Bennett	Branstad	Clark
Corbett	De Groot	Diemer	Garman
Halvorson, R. A.	Harbor	Hermann	Hester
Kistler	Koenigs	Kremer	Lageschulte
Maulsby	Mertz	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Shoning	Stromer
Stueland	Van Maanen		

The nays were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Knapp	Lundby	Lykam	May
McKean	McKinney	Muhlbauer	Nielsen

Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Schrader	Shearer	Sherzan	Shoultz
Siegrist	Spear	Spenner	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

Absent or not voting, 3:

Brammer	Daggett	Neuhauser
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Amendment H — 3941 lost.

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?" (S.F. 485)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, 3:

Branstad	Miller	Renken
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Absent or not voting, 4:

Brammer	Daggett	Lageschulte	Neuhauser
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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 132**, a bill for an act relating to the fee retained by county treasurers for use tax collection on vehicles, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 132 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 253**, a bill for an act relating to the time within which a postconviction relief action may be brought which arises out of a prison disciplinary proceeding and providing an effective date and an applicability provision, with report of committee recommending passage was taken up for consideration.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 253)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
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	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lundby
Lykam	May	McKean	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brammer	Daggett	Groninga	Lageschulte
Maulsby	Neuhauser	Shearer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 441**, a bill for an act relating to the plugging of abandoned wells, by providing assistance to well owners, providing for well inspection and certification, providing for fees, making a civil penalty applicable, providing an effective date, and providing for repeal of a portion 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 441 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 294**, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing for the Act's repeal, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 294 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 391**, a bill for an act relating to reporting county jail information to the director of the department of corrections, with report of committee recommending passage was taken up for consideration.

Hanson of Delaware offered the following amendment H—3995 filed by him and moved its adoption:

H—3995

- 1 Amend Senate File 391, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 and 6 and
- 4 inserting the following: "total number of men, women,
- 5 and juveniles".

Amendment H—3995 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?" (S.F. 391)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Corbett	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
Hibbard	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Lykam
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Poncy
Renaud	Renken	Rosenberg	Royer
Schrader	Shearer	Shoning	Shultz
Siegrist	Spear	Stromer	Stueland
Swartz	Tabor	Teaford	Trent
Tyrrell	Wise	Mr. Speaker	
		Avenson	

The nays were, 12:

Banks	Branstad	De Groot	Garman
Hester	Maulsby	Plasier	Schnekloth
Sherzan	Spenner	Svoboda	Van Maanen

Absent or not voting, 5:

Brammer	Clark	Daggett	Jesse
Neuhauser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 256**, a bill for an act relating to the allowable axle weights for vehicles transporting raw materials which are removed from a road under construction, 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. 256)

The ayes were, 88:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Black	Blanshan
Brand	Branstad	Brown	Buhr
Chapman	Cohoon	Connolly	Connors
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Metcalf	Miller	Muhlbauer
Nielsen	Ollie	Osterberg	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schneklath	Schrader	Shearer
Sherzan	Shoning	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabar	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 7:

Bisignano	Carpenter	Clark	Corbett
Doderer	McKean	Shultz	

Absent or not voting, 5:

Brammer	Daggett	Halvorson, R. N.	Neuhauser
Petersen, D. F.			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 315**, a bill for an act relating to the delivery of controlled substances, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 315 be deferred and that the bill be placed on the unfinished business calendar.

The House stood at ease at 5:37 p.m., until the fall of the gavel.

The House resumed session at 5:42 p.m., Speaker Avenson in the chair.

**Senate File 434**, a bill for an act relating to elimination of the filing and docketing fee for a petition for modification of a dissolution decree and reduction of the fee for a certificate and seal and increasing certain other probate fees, 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. 434)

The ayes were, 84:

Arnould	Banks	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Brown	Buhr	Carpenter
Chapman	Clark	Cohon	Connolly
Connors	Corbett	De Groot	Diemer
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	Hibbard	Holveck	Jay
Jesse	Jochum	Johnson	Kistler
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Nielsen
Osterberg	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Royer	Schneklath	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Wise

The nays were, 10:

Branstad	Eddie	Gruhn	Kremer
Mertz	Ollie	Peters	Renken
Van Maanen	Mr. Speaker		
	Avenson		

Absent or not voting, 6:

Adams	Brammer	Daggett	Doderer
Lykam	Neuhauser		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 365**, a bill for an act relating to the filing of campaign finance disclosure reports by city and school elective offices and for

local ballot issues, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Webster offered the following amendment H—3850 filed by the committee on state government and moved its adoption:

H—3850

1 Amend Senate File 365, as passed by the Senate, as  
 2 follows:  
 3 1. By striking everything after the enacting  
 4 clause and inserting the following:  
 5 "Section 1. Section 56.6, subsection 1, paragraph  
 6 e, is amended to read as follows:  
 7 e. Committees for municipal and school elective  
 8 offices and local ballot issues shall file their first  
 9 reports five days prior to any election in which the  
 10 name of the candidate or the local ballot issue which  
 11 they support or oppose appears on the printed ballot  
 12 and shall file their next report on the first day of  
 13 the month following the final election in a calendar  
 14 year in which the candidate's name or the ballot issue  
 15 appears on the ballot. A committee supporting or  
 16 opposing a candidate for a municipal or school  
 17 elective office or a local ballot issue shall ~~continue~~  
 18 ~~to also file a disclosure report~~ reports on the first  
 19 day of every month twentieth day of January and  
 20 October of each year in which the candidate or ballot  
 21 issue does not appear on the ballot and on the  
 22 twentieth day of January, May, and July of each year  
 23 in which the candidate or ballot issue appears on the  
 24 ballot, until it the committee dissolves. These  
 25 reports shall be current to five days prior to the  
 26 filing deadline and are considered timely filed if  
 27 mailed bearing a United States postal service postmark  
 28 one or more calendar days preceding the due date."

The committee amendment H—3850 was adopted, placing out of order amendment H—3727 filed by Halvorson of Webster on March 30, 1989.

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. 365)

The ayes were, 96:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown

Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, none.

Absent or not voting, 4:

Brammer	Daggett	Neuhauser	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.

**Senate File 122**, a bill for an act relating to the practice of tattooing and providing penalties, with report of committee recommending passage was taken up for consideration.

Corbett of Linn asked and received unanimous consent to defer action on amendment H—3277.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3284 filed by Corbett, et al., on March 2, 1989.

Corbett of Linn offered the following amendment H—3277, previously deferred, filed by him and moved its adoption:

H—3277

- 1 Amend Senate File 122 as follows:
- 2 1. Page 1, by striking lines 8 through 14 and
- 3 inserting the following:
- 4 "\_\_\_\_\_. A person who fails to meet the requirements
- 5 of subsection 1, is guilty of a serious misdemeanor."
- 6 2. By renumbering as necessary.

Amendment H—3277 lost.

Nielsen 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. 122)

The ayes were, 82:

Adams	Arnould	Banks	Beaman
Bisignano	Black	Blanshan	Brand
Branstad	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	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
Hibbard	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lykam	Maulsby
May	McKean	McKinney	Mertz
Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Plasier	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise		

The nays were, 13:

Beatty	Bennett	Brown	Buhr
Corbett	Garman	Lageschulte	Lundby
Pellett	Petersen, D. F.	Poncy	Renaud
Renken			

Absent or not voting, 5:

Brammer	Daggett	Neuhauser	Tabor
Avenson, Spkr.			

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 763**, by committee on ways and means, a bill for an act relating to funding available for roads including appropriations of moneys to the affected jurisdictions and providing effective dates.

Read first time and placed on the **ways and means calendar**.

**MOTIONS TO RECONSIDER**  
(Senate File 56)

I move to reconsider the vote by which Senate File 56 passed the House on April 13, 1989.

GARMAN of Story

(Senate File 434)

I move to reconsider the vote by which Senate File 434 passed the House on April 13, 1989.

JAY of Appanoose

**EXPLANATION OF VOTE**

I was temporarily absent from the House chamber on Wednesday, April 12, 1989. Had I been present, I would have voted "aye" on Senate Files 83, 367, 497, 498 and 508.

OLLIE of Clinton

**PRESENTATION OF VISITORS**

Shearer of Louisa presented to the House Henry and Ruth Berg from East Berlin, East Germany.

The Speaker announced that the following visitors were present in the House chamber:

Thirty-one fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins. By Carpenter of Polk.

Seven students from American Heritage Christian School, Garden Grove, accompanied by Dennis Reinhold. By Daggett of Adams.

Seven boys from the Training School, Eldora. By Fuller of Hardin.

Seventeen elementary students from Gilbert Elementary School, Gilbert, accompanied by Jean Saveraid. By Garman of Story.

One hundred Seniors from Johnston High School, Johnston, accompanied by Dave Pitz and David Beason. By Haverland of Polk.

Twenty-five sixth grade students from Allison-Bristow Community School, Allison, accompanied by Mr. Randall, Mrs. Haan and Mrs. Woodley. By Renken of Grundy.

Thirty-nine Seniors from Colo High School, Colo, accompanied by Jack Robert and Mr. Johns. By Rosenberg of Story and Garman of Story.

Twenty students from Morningside Christian School, Sioux City, accompanied by Mrs. Julia Hansen. By Shoning of Woodbury.

Ten sixth grade students from Klemme Elementary School, Klemme, accompanied by Gladys Wessels. By Stromer of Hancock.

#### SUBCOMMITTEE ASSIGNMENT

##### House File 536

Appropriations: Swartz, Chair; Corbett 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 WAYS AND MEANS

**Committee Bill** (Formerly House File 435), relating to the designation, inventory, sale, taxation, and protection of protected wetlands, and providing a civil penalty for violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 1989.

**Committee Bill** (Formerly House File 715), relating to funding available for roads including appropriations of moneys to the affected jurisdictions and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 12, 1989.

#### AMENDMENTS FILED

H—4000	H.F.	722	Senate Amendment
H—4001	H.F.	735	Senate Amendment
H—4003	S.F.	363	Lundby of Linn
H—4004	H.F.	663	Senate Amendment
H—4005	H.F.	573	Senate Amendment
H—4006	H.F.	551	Senate Amendment
H—4007	H.F.	496	Senate Amendment
H—4008	H.F.	570	Senate Amendment
H—4009	H.F.	20	Senate Amendment
H—4010	H.F.	127	Senate Amendment
H—4011	H.F.	344	Senate Amendment
H—4012	H.F.	402	Senate Amendment

H-4013	H.F.	163	Senate Amendment
H-4014	H.F.	403	Senate Amendment
H-4016	H.F.	760	Trent of Muscatine Renken of Grundy Metcalf of Polk
H-4017	S.F.	502	Jay of Appanoose Peterson of Carroll Schnekloth of Scott Van Maanen of Mahaska
H-4018	S.F.	157	Blanshan of Greene Miller of Cherokee
H-4019	S.F.	363	Van Maanen of Mahaska
H-4020	H.F.	146	Senate Amendment
H-4021	S.F.	363	Van Maanen of Mahaska
H-4022	S.F.	371	Peters of Woodbury
H-4024	S.F.	449	Siegrist of Pottawattamie Wise of Lee Cohon of Des Moines
H-4025	S.F.	371	Blanshan of Greene
H-4026	S.F.	470	Brown of Lucas
H-4027	H.F.	488	Hanson of Delaware
H-4028	S.F.	323	Shultz of Black Hawk
H-4029	S.F.	419	Johnson of Winneshiek
H-4030	S.F.	419	Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 6:08 p.m., until 9:00 a.m., Friday, April 14, 1989.

# JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day — Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 14, 1989

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, April 13, 1989 was approved.

## PETITIONS FILED

The following petitions opposing any increase in beer, wine or soft drink taxing measures were received and placed on file:

By Hibbard of Madison from fifty-seven constituents.

By Peterson of Carroll from twenty-four constituents.

By Renken of Grundy from one hundred ninety-five constituents of District 21.

The following petition was received and placed on file:

By Shoning of Woodbury from seventy-five constituents of District 3, favoring including Christian schools in Senate File 472.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jesse of Jasper and Brown of Lucas, until their arrival, on request of Beatty of Warren.

## INTRODUCTION OF BILL

**House File 764**, by committee on appropriations, a bill for an act relating to the establishment of real estate education programs and making an appropriation.

Read first time and placed on the **appropriations calendar**.

## ADOPTION OF HOUSE MEMORIAL RESOLUTION 12

Bisignano of Polk offered the following House Memorial Resolution 12 and moved its adoption:

## HOUSE MEMORIAL RESOLUTION 12

*Whereas*, The Honorable James P. Denato of Polk County, Iowa, who was a member of the Sixty-first General Assembly, passed away April 28, 1988; *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 Bisignano of Polk, Connors of Polk and Carpenter of Polk.

CONSIDERATION OF BILLS  
Regular Calendar

**Senate File 449**, a bill for an act relating to vocational education and requesting a study, with report of committee recommending amendment and passage was taken up for consideration.

Wise of Lee offered the following amendment H—3910 filed by the committee on education and moved its adoption:

H—3910

1 Amend Senate File 449, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by inserting after line 30, the fol-  
4 lowing:

5 "The department of education shall permit school  
6 districts, in meeting the requirements of this sec-  
7 tion, to use vocational core courses in more than one  
8 vocational service area and to use multi-occupational  
9 courses to complete a sequence in more than one voca-  
10 tional service area."

11 2. Page 3, by striking lines 18 and 19 and in-  
12 serting the following: "education. Each regional  
13 planning board shall have as members persons who are  
14 representatives from the merged area school board of  
15 directors, the area education agency board of  
16 directors, the local councils on vocational education,  
17 the local school districts' boards of directors, and  
18 vocational education certificated instructional  
19 personnel."

The committee amendment H—3910 was adopted.

Siegrist of Pottawattamie offered the following amendment H—4024 filed by Siegrist, et al., and moved its adoption:

H—4024

- 1 Amend Senate File 449, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 18, by striking the words "and  
 4 office skills" and inserting the following: "or  
 5 office occupations".  
 6 2. Page 1, by striking line 19, and inserting the  
 7 following: "family sciences or home economics  
 8 occupations, industrial technology or trade and  
 9 industrial education, and marketing education."

Amendment H—4024 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 449)

The ayes were, 95:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Teaford	Trent	Tyrrell
Van Maanen	Wise	Mr. Speaker	
		Avenson	

The nays were, none.

Absent or not voting, 5:

Brammer	Brown	Jesse	Neuhauser
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 295**, a bill for an act relating to school bus driver education requirements, with report of committee recommending passage 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?" (S.F. 295)

The ayes were, 92:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Schnekloth	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Wise	Mr. Speaker Avenson

The nays were, 1:

Van Maanen

Absent or not voting, 7:

Brammer	Brown	Corbett	Jesse
Neuhauser	Royer	Sherzan	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 31**, a bill for an act relating to the violation of a law or rule of a health care facility and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3942 filed by the committee on human resources and moved its adoption:

H—3942

- 1 Amend Senate File 31, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 15, by striking the word
- 4 "paragraphs" and inserting the following:
- 5 "paragraph".
- 6 2. Page 1, by striking lines 20 through 34.
- 7 3. Page 4, lines 20 and 21, by striking the words
- 8 ", and is guilty of a simple misdemeanor".
- 9 4. Page 4, by inserting after line 21, the
- 10 following:
- 11 "Sec. \_\_\_\_\_. Section 7 of this Act is repealed at
- 12 such time as a penalty is provided by the federal
- 13 government for notification or causing the
- 14 notification of a health care facility of the time and
- 15 date on which a survey or on-site inspection is
- 16 scheduled."
- 17 5. Title page, line 2, by striking the words "and
- 18 providing penalties" and inserting the following: ",
- 19 providing a penalty, and providing for the repeal of a
- 20 penalty".

The committee amendment H—3942 was adopted.

Teaford of Black Hawk in the chair at 9:29 a.m.

Harper of Black Hawk offered the following amendment H—3996 filed by her and Carpenter of Polk and moved its adoption:

H—3996

- 1 Amend Senate File 31, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 35, through page 2,
- 4 line 7.
- 5 2. Page 4, by inserting after line 21, the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Section 249D.33, Code 1989, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 21. Submit a report to the
- 10 department of elder affairs every six months, of the
- 11 name of each health care facility in its area for
- 12 which the care review committee has failed to submit
- 13 the report required by rules adopted pursuant to
- 14 section 249D.44."

Amendment H—3996 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?" (S.F. 31)

The ayes were, 60:

Adams	Arnould	Avenson, Spkr.	Beatty
Bisignano	Black	Blanshan	Brand
Brown	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Kistler	Knapp	Koenigs	Lykam
May	McKinney	Metcalf	Nielsen
Ollie	Osterberg	Pavich	Peterson, M. K.
Plasier	Rosenberg	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Svoboda	Tabor	Trent	Teaford
			Presiding

The nays were, 35:

Banks	Beaman	Bennett	Branstad
Corbett	Daggett	De Groot	Eddie
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hibbard	Kremer	Lageschulte	Lundby
Maulsby	McKean	Mertz	Miller
Pellet	Peters	Petersen, D. F.	Poncy
Renaud	Renzen	Royer	Schnekloth
Shoning	Spenner	Stromer	Stueland
Tyrrell	Van Maanen	Wise	

Absent or not voting, 5:

Brammer	Jesse	Muhlbauer	Neuhauser
Swartz			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 426**, a bill for an act relating to sexual abuse, including sexual abuse in the third degree and sexual abuse which constitutes a forcible felony, to release on appeal from a conviction of sexual abuse in the third degree, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 426 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 459**, a bill for an act relating to payment of a senior judge's medical insurance premium and annuity, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 459 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 205**, a bill for an act relating to the credentialing and regulation of respiratory care practitioners, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 205 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 491**, a bill for an act relating to the destruction of the contents of an original court file, 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. 491)

The ayes were, 95:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brand	Branstad	Brown
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jochum	Johnson	Kistler
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shearer	Sherzan
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Trent	Tyrrell
Van Maanen	Wise	Teaford	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Banks	Brammer	Hatch	Jesse
Neuhauser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 349**, a bill for an act relating to the provision of potable water and sanitary cups by a railroad in all locomotive engine and caboose areas, and providing for enforcement, with report of committee recommending passage was taken up for consideration.

Cohon 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. 349)

The ayes were, 81:

Adams	Arnould	Avenson, Spkr.	Beaman
Beatty	Blanshan	Brand	Branstad
Brown	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Connors
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hibbard	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKinney
Mertz	Muhlbauer	Nielsen	Ollie
Osterberg	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Royer	Schnekloth	Schrader	Shearer
Shoning	Shoultz	Siegrist	Spear
Spenner	Stromer	Stueland	Svoboda
Swartz	Tabor	Trent	Wise
Teaford			
Presiding			

The nays were, 14:

Bennett	Bisignano	Black	Corbett
Hester	Jesse	Kistler	McKean
Metcalf	Miller	Pellett	Renken
Tyrrell	Van Maanen		

Absent or not voting, 5:

Banks	Brammer	Neuhauser	Rosenberg
Sherzan			

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 9:49 a.m.

**Senate File 419**, a bill for an act relating to energy efficiency and providing effective dates, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 419 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 395**, a bill for an act adding certain controlled substances to schedule I, schedule IV, and schedule V controlled substances, with report of committee recommending passage 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?" (S.F. 395)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brand	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hibbard	Holveck
Jay	Jesse	Jochum	Johnson
Kistler	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Lykam	Maulsby
May	McKean	McKinney	Mertz

Metcalf	Miller	Muhlbauer	Nielsen
Ollie	Osterberg	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Schnekloth	Schrader	Shearer
Sherzan	Shoultz	Siegrist	Spear
Spanner	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Trent
Tyrrell	Van Maanen	Wise	Mr. Speaker
			Avenson

The nays were, none.

Absent or not voting, 4:

Banks	Brammer	Neuhauser	Shoning
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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 503**, a bill for an act relating to alimony, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 503 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 150**, a bill for an act relating to certain drugs used and activities of the racing commission veterinarian with respect to pari-mutuel horse racing 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 150 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 490**, a bill for an act relating to the sale, lease, rental, or advertising of water treatment systems, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 490 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 474**, a bill for an act to establish a pseudorabies control program and providing for penalties and the repeal of a chapter, with report of committee recommending amendment and passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—3855 filed by the committee on agriculture and moved its adoption:

H—3855

- 1 Amend Senate File 474, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word
- 4 "premises" and inserting the following: "premise".
- 5 2. Page 1, line 20, by striking the words
- 6 "Movement permit" and inserting the following:
- 7 "Certificate of inspection".
- 8 3. Page 1, line 20 by striking the word "issued"
- 9 and inserting the following: "approved".
- 10 4. Page 1, line 21, by striking the word
- 11 "agriculture," and inserting the following:
- 12 "agriculture or".
- 13 5. Page 1, line 22 by striking the words "or a"
- 14 and inserting the following: "and issued by a".
- 15 6. Page 1, line 24, by striking the word "permit"
- 16 and inserting the following: "certificate of
- 17 inspection".
- 18 7. Page 1, line 25, by striking the words "The
- 19 number and description" and inserting the following:
- 20 "The number, description, and identification".
- 21 8. By striking page 1, line 34 through page 2,
- 22 line 2 and inserting the following:
- 23 "\_\_\_\_\_. "Differentiable test" means a laboratory
- 24 procedure approved by the department to diagnose
- 25 pseudorabies. The procedure must be capable of
- 26 recognizing and distinguishing between vaccine-exposed
- 27 and field-pseudorabies-virus-exposed swine.
- 28 \_\_\_\_\_ "Test" means a serum neutralization (SN)
- 29 test, virus isolation test, ELISA test, or other test
- 30 approved by the department and performed by a
- 31 laboratory approved by the department."
- 32 9. Page 2, by inserting after line 4 the
- 33 following:
- 34 "\_\_\_\_\_. "Differentiable vaccinate" means a swine
- 35 which has only been exposed to a differentiable
- 36 vaccine."
- 37 10. Page 2, line 10 by striking the words "an
- 38 animal" and inserting the word "livestock".
- 39 11. Page 2, line 14 by inserting after the word
- 40 "livestock." the following: "Swine released from
- 41 quarantine are no longer considered exposed."
- 42 12. Page 2, line 16 by striking the words "an
- 43 animal" and inserting the following: "livestock".
- 44 13. Page 2, line 22 by striking the word
- 45 "vaccinate".
- 46 14. Page 2, line 24 by striking the word
- 47 "vaccinate".
- 48 15. Page 2, line 27 by striking the word
- 49 "vaccinate".

50 16. Page 3, line 1 by striking the words "which

**Page 2**

1 has" and inserting the following: "in which the  
2 animals have".

3 17. Page 3, by striking lines 7 through 9 and  
4 inserting the following:

5 "\_\_\_\_\_. "Herd of unknown status" means all swine  
6 except swine which are part of a known infected herd,  
7 swine known to have been exposed to pseudorabies, or  
8 swine which are part of a noninfected herd."

9 18. Page 3, by striking lines 17 through 21 and  
10 inserting the following:

11 "\_\_\_\_\_. "Monitored herd" means a herd of swine,  
12 including a feeder swine herd, which has been  
13 determined within the past twelve months not to be  
14 infected, according to a statistical sampling."

15 19. Page 3, by striking lines 30 through 34.

16 20. Page 4, line 18, by striking the words  
17 "infected animals" and inserting the following:  
18 "infected swine".

19 21. Page 4, line 20, by inserting after the word  
20 "slaughter" the following: "under a transportation  
21 certificate".

22 22. Page 4, by striking line 22 and inserting the  
23 following: "a certificate of inspection."

24 23. Page 4, by striking lines 25 through 33 and  
25 inserting the following: "activity."

26 "\_\_\_\_\_. "Area eradication activity" means activities  
27 related to testing herds for purposes of evaluation  
28 and control of swine within a program area to achieve  
29 pseudorabies eradication within the area.

30 "\_\_\_\_\_. "Pseudorabies" means the contagious,  
31 infectious, and communicable disease of livestock and  
32 other animals known as Aujeszky's disease, mad itch,  
33 or infectious bulbar paralysis."

34 24. Page 5, by striking lines 1 through 4 and  
35 inserting the following: "supervision and control of  
36 the department. Swine in a quarantined herd may be  
37 moved only to an approved premise for feeding or to a  
38 recognized slaughtering establishment for slaughter.  
39 Either movement may be completed through a  
40 concentration point in compliance with section  
41 166D.12."

42 25. Page 5, line 7 by inserting after the word  
43 "test" the following: "or differentiable test".

44 26. Page 5, line 33 by striking the word  
45 "resale," and inserting the following: "resale for".

46 27. Page 6, by inserting after line 8, the  
47 following:

48 "\_\_\_\_\_. "Feeder swine" means a porcine animal fed  
49 for purposes of direct slaughter, including feeder  
50 pigs, cull sows, and boars. However, "feeder swine"

**Page 3**

1 does not include animals kept for purposes of breeding  
2 or reproduction.

3 \_\_\_\_\_. "Feeder pig" means an immature swine fed for  
4 purposes of direct slaughter which is less than  
5 slaughter weight.

6 \_\_\_\_\_. "Transportation certificate" means the same  
7 as provided in chapter 172B."

8 28. Page 6, by striking lines 14 through 16 and  
9 inserting the following: "four members must be  
10 actively engaged in swine production. The members  
11 shall serve".

12 29. Page 6, line 17 by striking the word "six"  
13 and inserting the following: "two".

14 30. Page 6, line 20 by inserting after the word  
15 "reappointment" the following: "for three successive  
16 terms".

17 31. Page 8, line 2 by striking the word  
18 "district" and inserting the following: "director".

19 32. Page 8, line 17 by inserting before the word  
20 "proxy" the following: "written".

21 33. Page 8, line 31 by striking the word  
22 "producer" and inserting the following: "producer's  
23 address".

24 34. By striking page 8, line 34 through page 9,  
25 line 4 and inserting the following:

26 "Once a program has been designated, an owner of  
27 an".

28 35. Page 9, line 5, by striking the word "sixty"  
29 and inserting the following: "thirty".

30 36. Page 9, line 6, by inserting after the word  
31 "cooperator" the following: "herd".

32 37. Page 9, line 8, by striking the words  
33 "cleanup plan after sixty days" and inserting the  
34 following: "cooperator herd cleanup plan".

35 38. Page 9, by striking lines 16 through 20 and  
36 inserting the following:

37 "2. A concentration point within the program area  
38 may market all classes of swine. Swine taken to a  
39 concentration point must be held there until transfer.  
40 However, untested, known infected, or exposed swine  
41 shall be transferred from the concentration point  
42 within three days only to persons moving the swine  
43 outside the program area."

44 39. Page 9, by striking lines 25 and 26 and  
45 inserting the following:

46 "a. Only noninfected herd swine may move into the  
47 program area."

48 40. Page 9, line 29 by striking the words "pig  
49 cleanup" and inserting the following: "pig cooperator  
50 herd".

## Page 4

- 1 41. Page 9, line 32 by inserting after the word  
2 "origin." the following: "Swine moving into a program  
3 area may be inspected by the department within thirty  
4 days from the swine's arrival."
- 5 42. Page 10, by striking lines 3 through 5 and  
6 inserting the following: "department, receive new  
7 swine from noninfected herds."
- 8 43. Page 10, line 6 by inserting after the word  
9 "cost" the following: ", or any segment of the  
10 cost,".
- 11 44. Page 10, lines 10 and 11, by striking the  
12 words "An indemnity shall not be paid for condemned  
13 animals."
- 14 45. Page 10, line 25 by inserting after the word  
15 "veterinarian." the following: "If the test is  
16 determined by a laboratory located outside the state  
17 of Iowa, the person whose animal has been tested shall  
18 be responsible for assuring that the result is  
19 reported to the department within fourteen days  
20 following completion of the test."
- 21 46. Page 12, line 2 by inserting after the word  
22 "recognized" the following: "as a noninfected herd".
- 23 47. Page 12, line 15 by striking the words  
24 "reacting negatively to a test".
- 25 48. Page 12, line 16, by inserting after the word  
26 "equal" the following: "to".
- 27 49. Page 12, line 17, by striking the word  
28 "reacting" and inserting the following: "react."
- 29 50. Page 12, by striking lines 27 and 28 and  
30 inserting the following: "of the herd is determined  
31 to be noninfected."
- 32 51. Page 12, lines 32 and 33, by striking the  
33 words "breeding herd reacts negatively to a test" and  
34 inserting the following: "herd is determined to be  
35 noninfected".
- 36 52. By striking page 12, line 35 through page 13,  
37 line 11 and inserting the following:  
38 "c. A monitored herd may receive new swine into  
39 the herd from a noninfected herd."
- 40 53. Page 13, line 19 by inserting after the word  
41 "of" the following: "infected swine from".
- 42 54. Page 13, line 21 by striking the word  
43 "cooperative" and inserting the following:  
44 "cooperator".
- 45 55. Page 13, line 32 by striking the word "has"  
46 and inserting the following: "have".
- 47 56. Page 14, lines 4 and 5 by striking the words  
48 "Testing and vaccination shall be done at the owner's  
49 expense."
- 50 57. Page 14, line 6 by striking the word

## Page 5

- 1 "fourteen" and inserting the following: "thirty".  
2 58. Page 14, line 7, by inserting after the word  
3 "quarantined." the following: "An infected herd which  
4 is not subject to a herd cleanup plan or a feeder pig  
5 cooperater herd plan is a quarantined herd."  
6 59. Page 14, line 14, by striking the words  
7 "movement permit" and inserting the following:  
8 "transportation certificate".  
9 60. Page 14, line 16, by striking the word  
10 "permit" and inserting the following: "certificate of  
11 inspection".  
12 61. Page 14, by striking lines 20 and 21 and  
13 inserting the following:  
14 "\_\_\_\_\_. A herd shall be released from quarantine  
15 when no animal,".  
16 62. Page 14, line 22, by striking the word  
17 "livestock" and inserting the following:  
18 "livestock,".  
19 63. Page 15, line 8 by striking the words and  
20 figures "7 C.F.R. pt. 4" and inserting the following:  
21 "federal regulations".  
22 64. Page 15, lines 12 and 13 by striking the  
23 words "7 C.F.R. pt. 4" and inserting the following:  
24 "federal regulations".  
25 65. Page 15, by striking lines 14 and 15 and  
26 inserting the following:  
27 "a. All swine present on the date the quarantine  
28 was imposed have been removed."  
29 66. Page 15, line 22 by inserting after the word  
30 "samplings" the following: "ninety days apart".  
31 67. Page 15, line 30, by striking the word "pigs"  
32 and inserting the following: "swine".  
33 68. Page 16, line 2 by inserting after the word  
34 "purchases" the following: "and sales".  
35 69. Page 16, line 6 by inserting after the word  
36 "premises." the following: "However, cull sows and  
37 boars may be maintained, if fed out to slaughter."  
38 70. Page 16, line 7, by striking the word "pigs"  
39 and inserting the following: "swine".  
40 71. Page 16, line 8 by striking the words "or  
41 before".  
42 72. Page 16, line 9 by striking the word "and"  
43 and inserting the following: "of".  
44 73. Page 16, by striking lines 11 and 12 and  
45 inserting the following:  
46 "e. Dead swine must be disposed of in accordance  
47 with chapter 167. The dead swine must be held so as  
48 to".  
49 74. Page 16, by striking line 16 and inserting  
50 the following: "by a transportation certificate or to

**Page 6**

1 another approved premise with a certificate of  
2 inspection."

3 75. Page 16, lines 17 and 18 by striking the  
4 words "to be established with a program area or".

5 76. Page 16, line 31 by striking the words  
6 "movement permit" and inserting the following:  
7 "certificate of inspection".

8 77. Page 16, line 34, by striking the word  
9 "permit's" and inserting the following: "certificate  
10 of inspection's".

11 78. Page 17, line 1 by striking the words "permit  
12 that the feeder pig" and inserting the following:  
13 "certificate of inspection that the feeder swine".

14 79. Page 17, by striking lines 3 through 25 and  
15 inserting the following:

16 "Swine moved into or within Iowa for breeding  
17 purposes must originate from a herd not under  
18 quarantine which is one of the following:

19 a. A herd classified as a qualified negative herd.

20 b. A controlled vaccinated herd which complies  
21 with the provisions of section 166D.7, subsection 2.

22 c. Swine which have individually reacted  
23 negatively to testing within the past thirty days."

24 80. Page 18, by striking lines 1 and 2 and  
25 inserting the following:

26 "c. A feeder pig in a known infected herd shall be  
27 subject to restricted movement by certificate of  
28 inspection and only to an approved premise."

29 81. Page 18, line 8 by inserting after the word  
30 "slaughter" the following: "or to an approved premise  
31 by certificate of inspection".

32 82. Page 18, by striking lines 11 through 20 and  
33 inserting the following: "movement restrictions, the  
34 swine shall be restricted to the same extent as the  
35 swine which are subject to the most movement  
36 restrictions. After movement of infected swine or  
37 swine of unknown origin through the concentration  
38 point, the concentration point must be thoroughly  
39 cleaned and disinfected. The cleaned and disinfected  
40 concentration point must be inspected by a  
41 veterinarian."

42 83. Page 18, by striking lines 30 through 32, and  
43 inserting the following:

44 "e. A feeder pig moving through a concentration  
45 point in this manner may move through a concentration  
46 point after thirty days as a pig of unknown origin,  
47 unless the pig reacts negatively to a test."

48 84. Page 19, line 2, by striking the word "the"  
49 and inserting the word "all".

50 85. Page 19, by striking lines 4 through 8.

**Page 7**

- 1 86. Page 19, lines 12 and 13, by striking the  
 2 words "or reacting negatively to a test".  
 3 87. Page 19, line 19, by striking the words "A  
 4 feeder pig" and inserting the following: "The feeder  
 5 pigs".  
 6 88. Page 19, line 24, by striking the words "or  
 7 reacting negatively to a test".  
 8 89. Page 19, by striking line 29 and inserting  
 9 the following:  
 10 "b. Only owners with approved premise permits are  
 11 eligible".  
 12 90. Page 19, by striking lines 32 through 34 and  
 13 inserting the following:  
 14 "c. The swine after movement through the  
 15 concentration point must be quarantined to slaughter  
 16 or moved to slaughter."  
 17 91. Page 20, by inserting after line 9 the fol-  
 18 lowing:  
 19 "4. Rules controlling exhibition movement require-  
 20 ments may be adopted by the department in addition to  
 21 the requirements of this section."  
 22 92. Page 20, by striking lines 26 and 27 and in-  
 23 serting the following: "the owner or the owner's  
 24 agent. The report shall be mailed to the".  
 25 93. Page 20, line 32, by inserting after the word  
 26 "test." the following: "The swine must be identified  
 27 as differentiable vaccinated animals."  
 28 94. By renumbering as necessary.

The committee amendment H—3855 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?" (S.F. 474)

The ayes were, 94:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Jay	Jesse
Jochum	Johnson	Kistler	Knapp

Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Schneklloth	Schrader
Shearer	Sherzan	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Trent	Tyrrell	Van Maanen
Wise	Mr. Speaker		
	Avenson		

The nays were, none.

Absent or not voting, 6:

Brammer	Brand	Haverland	Hibbard
Neuhauser	Royer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 408**, a bill for an act relating to roads, including roads identified by the state transportation commission as a network of commercial and industrial highways, by establishing the purpose of the network, by providing the terms for the improvement of the network, and by altering concurrent jurisdiction of extensions of primary roads in municipalities, with report of committee recommending amendment and passage was taken up for consideration.

Connolly of Dubuque offered the following amendment H—3938 filed by the committee on transportation and moved its adoption:

H—3938

- 1 Amend Senate File 408 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 4, by striking lines 4 through 12 and
- 4 inserting the following: "markets."

A non-record roll call was requested.

The ayes were 34, nays 44.

The committee amendment H—3938 lost.

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. 408)

The ayes were, 80:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Blanshan
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Jay	Jochum
Johnson	Kistler	Knapp	Lageschulte
Lundby	Lykam	Maulsby	May
McKean	McKinney	Mertz	Metcalf
Miller	Muhlbauer	Nielsen	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Rosenberg	Schneklath
Schrader	Shearer	Shoning	Shoultz
Siegrist	Spear	Spenner	Stromer
Stueland	Swartz	Tabor	Teaford
Trent	Van Maanen	Wise	Mr. Speaker Avenson

The nays were, 16:

Black	Brand	Branstad	Brown
Fuller	Hester	Hibbard	Jesse
Koenigs	Kremer	Osterberg	Pellett
Renken	Royer	Svoboda	Tyrrell

Absent or not voting, 4:

Brammer	Neuhauser	Ollie	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 File 291**, a bill for an act relating to security interests in mobile homes by permitting the secured party to retain the mobile home title, and by permitting secured parties, including mortgagees, to apply for reconversion of a mobile home from real property to personal property, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 291 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 317**, a bill for an act relating to the sale of milk products, by providing for the issuance of permits, with report of committee recommending passage was taken up for consideration.

De Groot of Lyon moved that the bill be read a last time 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. 317)

The ayes were, 93:

Adams	Arnould	Banks	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Brown	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Hibbard	Holveck	Jay
Jochum	Johnson	Kistler	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Lykam	Maulsby	May	McKean
McKinney	Mertz	Metcalf	Miller
Muhlbauer	Nielsen	Ollie	Osterberg
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Schneklath	Schrader
Shearer	Shoning	Shoultz	Siegrist
Spear	Spenner	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Trent	Tyrrell	Van Maanen	Wise
Mr. Speaker			
Avenson			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Harbor	Jesse
Neuhauser	Royer	Sherzan	

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 10:39 a.m., until the fall of the gavel.

The House resumed session at 10:44 a.m., Speaker Avenson in the chair.

**REREFERRED TO COMMITTEE ON  
JUDICIARY AND LAW ENFORCEMENT  
(Senate File 141)**

Arnould of Scott asked and received unanimous consent that Senate File 141, presently on the **regular calendar**, be rereferred to the committee on **judiciary and law enforcement**.

**RULE 57 SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for an immediate meeting of the committee on judiciary and law enforcement.

The House stood at ease at 10:48 a.m., until the fall of the gavel.

The House resumed session at 11:36 a.m., Speaker Avenson in the chair.

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 6, a bill for an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 196, a bill for an act relating to the collection of certain adoption information according to federal regulations.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 201, a bill for an act relating to the regulation of lotteries, lottery tickets, and other games of chance, or contest, by amending provisions relating to advertising, and providing an effective date.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 272, a bill for an act relating to the Iowa logo program by providing for the use of a label or trademark to identify Iowa products and services, authorizing the establishment of guidelines, and providing an effective date.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 273, a bill for an act relating to economic development corporations in Iowa.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 345, a bill for an act to provide for county participation in medical assistance payments for home and community-based services for mentally retarded persons who would otherwise be eligible for care in an intermediate care facility.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 367, a bill for an act relating to the powers and duties of the state historical society and the historical division of the department of cultural affairs.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 371, a bill for an act relating to emergency medical care providers, and providing penalties.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 372, a bill for an act relating to the duties of the natural resource commission and the environmental protection commission with respect to budget approval requirements.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 477, a bill for an act relating to certain motor vehicles, by providing for the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, the operation of certain motor vehicles, subjecting violators to penalties, and providing effective dates.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 490, a bill for an act relating to the department of inspections and appeals, revising provisions governing the structure and allocation of duties within the department, changing the structure for racing and gaming regulation, providing changes in certain statutory requirements relating to bingo and other games and raffles, revising the responsibilities of the department, and providing other properly related matters.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 522, a bill for an act relating to the filling of a vacancy on the county board of supervisors.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 572, a bill for an act relating to the payment for uniform citation and complaint forms.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 598, a bill for an act relating to the testing of public water systems, and making penalties applicable.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 631, a bill for an act to legalize proceedings of the City Council of the City of Bellevue relating to the letting of a construction contract.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 684, a bill for an act relating to persons or copartnerships required to file statements regarding the use of trade names, by requiring each county recorder to submit a monthly list of such persons to the secretary of state.

Also: That the Senate has on April 12, 1989, amended and passed the following bill in which the concurrence of the House is asked:

House File 692, a bill for an act requiring the department of inspections and appeals to develop a special classification of residential care facilities.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 698, a bill for an act relating to the accountancy examining board, including its membership, the use of the accountancy practitioner advisory council, and requirements for licensure as an accounting practitioner.

Also: That the Senate has on April 12, 1989, passed the following bill in which the concurrence of the Senate was asked:

House File 734, a bill for an act relating to the powers and duties of the Iowa corn promotion board.

Also: That the Senate has on April 12, 1989, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 52, a bill for an act to prohibit the use of corporal punishment in approved or accredited schools.

Also: That the Senate has on April 12, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 18, a concurrent resolution to petition the Governor of the state of Iowa to issue a proclamation of a disaster emergency due to drought conditions affecting water resources of the state.

Also: That the Senate has on April 12, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 19, a concurrent resolution to urge and petition the United States Department of Agriculture to make lands which are under the conservation reserve program eligible for grazing by livestock.

Also: That the Senate has on April 12, 1989, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 20, a concurrent resolution to urge and petition the congress of the United States, the president of the United States, the secretary of agriculture, the United States department of agriculture, including the animal and plant health inspection service of the United States department of agriculture, to reconsider adoption of rule changes amending 9 C.F.R. pt. 92 relating to precautions against infection of native swine herds from foreign transmission of disease.

JOHN F. DWYER, Secretary

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

Senate File 141, 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-4032 April 14, 1989.

RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 141.

CONSIDERATION OF BILLS  
Regular Calendar

Senate File 141, 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.

Arnould of Scott asked and received unanimous consent that Senate File 141 be deferred and that the bill be placed on the unfinished business calendar.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 1989, he approved and transmitted to the Secretary of State the following bill:

Senate File 506, an act relating to the administration of small estates.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Thursday, April 13, 1989. Had I been present, I would have voted "aye" on Senate File 407.

McKINNEY of Dallas

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-nine twelfth grade students from Nora Springs High School, Rock Falls, accompanied by Frank Altman. By Clark of Cerro Gordo.

Sixteen eighth grade students from St. Patrick School, Cedar Falls. By Diemer and Teaford of Black Hawk.

Six students from Ottumwa High School, Ottumwa, accompanied by Terry Carroll. By Poncy of Wapello.

Four FFA students from Wapello High School, accompanied by Ken Colglazer. By Shearer of Louisa.

## AMENDMENTS FILED

H-4031	S.F.	470	Lundby of Linn
H-4032	S.F.	141	Committee on Judiciary and Law Enforcement
H-4033	H.F.	763	De Groot of Lyon Connolly of Dubuque
H-4034	S.F.	199	Corbett of Linn
H-4035	H.F.	763	Muhlbauer of Crawford Fogarty of Palo Alto Harbor of Mills Fuller of Hardin Bennett of Ida Gruhn of Dickinson Pellett of Cass Black of Jasper
H-4036	H.F.	371	Senate Amendment
H-4037	H.F.	345	Senate Amendment
H-4038	H.F.	477	Senate Amendment
H-4039	H.F.	692	Senate Amendment
H-4040	H.F.	196	Senate Amendment
H-4041	H.F.	272	Senate Amendment

H-4042	H.F.	273	Senate Amendment
H-4043	H.F.	598	Senate Amendment
H-4044	H.F.	572	Senate Amendment
H-4045	H.F.	490	Senate Amendment
H-4046	H.F.	522	Senate Amendment
H-4047	S.F.	502	Kremer of Buchanan
H-4048	S.F.	502	Kremer of Buchanan
H-4049	H.F.	753	Shoultz of Black Hawk

On motion by Arnould of Scott, the House adjourned at 11:37 a.m., until 10:00 a.m., Monday, April 17, 1989.